

THE MISSION OF WILLIAM CARMICHAEL TO SPAIN

BY
SAMUEL GWYNN COE

A DISSERTATION

Submitted to the Board of University Studies of the Johns
Hopkins University in Conformity with the Requirements
for the Degree of Doctor of Philosophy

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PREFACE

The materials for this study of Carmichael's mission have been drawn from manuscripts in the Library of Congress, from the Archives of the Department of State, and from published letters of contemporaries. Many of the letters used are found in Wharton's Diplomatic Correspondence of the American Revolution, and in the Diplomatic Correspondence of the United States, 1783-1789. As the arrangement of letters in the manuscript collections is strictly chronological, they are quoted by date rather than by volume and page. A list of these sources is appended with abbreviations used. Others, used but seldom, will be found fully described when used.

The two volumes of Carmichael's letters in the Library of Congress, together with numerous letters from Carmichael to Jefferson found in the Jefferson letters, furnish most of the material for this study. These letters contain much gossip that is of interest, but which could not all be included within the limits of this study. The handwriting is usually quite readable, but the ink somewhat faded. In the search for letters from Carmichael in the Jefferson manuscripts, the catalogue of Jefferson manuscripts can not be fully trusted, as many letters are not listed, and in those listed inaccurate descriptions are sometimes found. Just two cases of this will suffice for an example. In the catalogue a letter is listed from William Carmichael to Jefferson from Havre, November 25, 1778. This letter was really from James Carmichael, then located at Havre. One letter listed in the catalogue as of January 9, 1778, is found on examination to be really of January 29, 1788.

In his communications with Congress, Carmichael was not provided with a cipher, and this fact caused him frequent anxiety. In the correspondence between him and Jefferson

a cipher was used, but it was such a poor one that it would have afforded little protection had the letters been intercepted.

The letters give an interesting picture of the European situation during a very critical period of our history. In the light of fuller knowledge Carmichael appears to have been well informed and substantially accurate.

For the choice of this subject and for encouragement in its pursuit the writer is indebted to Dr. John H. Latané. For courteous assistance in furnishing ready access to the manuscripts most essential to the work, thanks must be given to Mr. J. C. Fitzpatrick and his assistants in the Manuscripts Division of the Library of Congress.

S. G. C.

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THE MISSION OF WILLIAM CARMICHAEL TO SPAIN

CHAPTER I

CARMICHAEL'S EARLY LIFE

William Carmichael, son of a Scotch immigrant, William Carmichael, was born in Queen Anne's County, Maryland, where his father had settled near the head of the Chester river. His mother was a Miss Brooke, niece of the second wife of Richard Bennett, one of the richest planters of eastern Maryland, through whom William and his brother, Richard Bennett Carmichael, inherited the Bennett lands in Queen Anne's and Talbot Counties.¹ Richard Bennett, whose father of the same name had been Governor of Virginia under the Commonwealth, had no direct heirs, which was a fortunate circumstance for the subject of this sketch, as it enabled him to follow his inclinations to travel, leaving the management of his holdings to his brother.

His education was well cared for as the character of his letters shows. His handwriting is good, his thoughts clearly expressed, and frequent classical allusions occur. The finishing touches were put on at Edinburgh, Scotland.² His journey abroad for study was evidently prolonged in visiting the British Isles. He was in Ireland for three months in 1768, and testified to the unrest prevalent there. He also forecast the demands of the Irish for privileges during the

¹ Scrap Book History of Queen Anne's County, 34 (clipping from Centreville Observer, Tuesday morning, March 15, 1887), Maryland Historical Society Library, Baltimore, Md.

² Thomas Jefferson Papers, Manuscripts Division, Library of Congress, Carmichael to Jefferson, November 15, 1787.

American Revolution.³ He was domiciled in London, leading a gay life when the outbreak of hostilities came.⁴

Early in 1776 Carmichael determined to return to America, and was entrusted with despatches for the Continental Congress by Arthur Lee of Virginia, who was acting as agent for the Colonies in London. His journey was halted in Paris by a sickness which detained him through the month of June.⁵ On learning of the arrival of Silas Deane, as Commissioner from the Colonies to seek aid of France, he offered his services to Deane and remained with him, and, later, with Franklin and Lee. He was much in their confidence throughout the year 1777, and sailed for America with important despatches in February 1778.⁶

During this residence in Paris, Carmichael did his part to carry out the schemes for enlisting the aid of France. In fact, his efforts led him into such contact with British secret agents, that this, together with the treasonable conduct of his fellow Marylander and close friend, Hynson, has led to the suspicion that he himself was linked in the treasonable acts. The only evidence of this is that of Hynson, an acknowledged traitor, who delivered to the British agents a whole pouch of dispatches entrusted to him by the American Commissioners at Paris, and sent in their stead a pouch of blank papers to be conveyed to America.⁷ He received money for this, and later entered the British naval service and ended his life there. Hynson, in trying to convince Colonel Edward Smith, the English agent who had corrupted him, that he was able to deliver the goods, assured him that Carmichael

³ Wharton, *Diplomatic Correspondence of the American Revolution*, III, 625, Carmichael to John Adams, April 22, 1780.

⁴ B. F. Stevens, *Facsimiles of Manuscripts in European Archives Relating to America*, III, No. 248, Col. Edward Smith to Lord Stormont, March, 1777.

⁵ Carmichael MSS., Carmichael to Committee of Correspondence, Nov. 2, 1776.

⁶ Stevens, *Facsimiles*, XX, No. 1811, Lord Stormont to Lord Weymouth, Dec. 31, 1777.

⁷ *Ibid.*, VIII, No. 810, D. Le Ray de Chaumont to Count de Vergennes.

approved his conduct. Smith reported to his Chief, Lord Stormont, British Ambassador to France, "Hynson says Carmichael promises that, if necessary, perhaps he will let Hynson turn thief and steal papers of Deane and Franklin."⁸

The positive testimony of Paul Wentworth, the ablest of the British agents, is of interest beside that of Hynson, who wished more money from Smith. Wentworth the very next month reported to the Earl of Suffolk, then foreign minister, giving an excellent account of the secret aid given the Colonies by France and Spain. In discussing the Americans he mentions the conduct of Hynson, and describes him as a "simple fellow"; he then adds, "Lord Stormont made an unsuccessful attempt on a better subject, M. Carmichael."⁹

In seeking an advantage for the cause in which he had enlisted, Carmichael did not hesitate at trifles. He may have talked with Smith, although there is no evidence of this. In the French archives is preserved a paper of some interest in this connection. It is entitled "Gérard's Report of Mr. Deane's information as to conversations between Mr. Carmichael and an Unknown." This "Unknown" has been identified as a British agent, either Wentworth or Forth. The conversations were held nightly near the statue in the Place Vendôme, and the subject was an accommodation between England and the Colonies. Carmichael reported the agent as favorable to recognition of the independence of the Colonies if the Colonies would agree to a joint attack with England on the French West Indies and the Spanish possessions in America.¹⁰ The astute American Commissioners could readily see the advantage of communicating such propositions to the French foreign office, already disposed to fear just such an accommodation.

At this early stage of the revolt in America many felt that the breach with England was not irreparable, and a strong opposition party in England was continually haras-

⁸ Ibid., VII, No. 670, Smith to Lord Stormont, March 28, 1777.

⁹ Ibid., III, No. 250, Wentworth to Earl of Suffolk, April 14, 1777.

¹⁰ Ibid., VII, No. 675, "Gérard's Report, etc.," April 3, 1777.

sing the Ministry. With some of these, Carmichael was in correspondence while in Paris, and one long letter to one of them reviews propaganda to be published in support of the campaign on the part of the opposition to force a reconciliation with the Colonies.¹¹ His conduct in advising Hynson to make friends of the British agent, since a friend in that quarter might prove useful,¹² may be interpreted as in line with such a belief on his part. At any rate there is no evidence that he ever received any English money, as did Bancroft and Hynson, and his conduct thereafter shows a sincere belief that independence was the goal of the Colonies.

At some time during the year 1777 a memorial of a very convincing character was prepared by William Carmichael and addressed to the "Count." That it was held to be of some importance is attested by the fact of its preservation in the French Archives for foreign affairs, as addressed either to Count D'Estaing or Count De Vergennes. This memorial discusses the reasons why France should go to war with England, and drives home the possibility of just such an accommodation between England and the Colonies as suggested above.

Late in the previous year Carmichael was sent by the Commissioners to Holland and Prussia on a secret mission.¹³ At this time he formed a friendship for Baron von Schulenberg, a trusted Minister of Frederick the Great, with whom he had some correspondence later, and inspired a move on the part of Prussia for a commercial treaty with the Colonies. This led to the sending of Arthur Lee later but with no immediate result.

It was on this trip that Carmichael sent his first letter direct to the "Committee of Correspondence" of the Continental Congress. This was sent from Amsterdam, Novem-

¹¹ Ibid., III, No. 288, Carmichael to M. Jean Tourville, of London, Nov. 1, 1777.

¹² Ibid., VII, No. 670, Smith to Lord Stormont, March 28, 1777.

¹³ Ibid., VII, No. 647 (1777), Memorial of William Carmichael to the "Count."

ber 2, 1776, and is largely taken up with a discussion of the Prussian desire for commercial arrangements and a discussion of Holland as the treasury of Europe. In Holland he finds the credit of England and Spain good, that of France "very low," and that America might borrow money there in case of such success in arms as would indicate that we were likely "to support our independency and should either France or Spain acknowledge our Independence."¹⁴ In a postscript he urges good treatment for Colonel Prevost should he fall into American hands, and as a reason asserts that Prevost's father-in-law, Mr. Le Grand, a Swiss banker, offers to help float an American loan in Switzerland at 5 per cent. interest.¹⁵

On his return to Paris, early in 1777, he resumed a task for which his life in London served him well. Sea captains had to be obtained for privateers being fitted out to prey on British commerce. In London, Carmichael had had close association with two Marylanders, Hynson and Samuel Nicholson, both seamen, and he summoned them to Paris at this time. They, together with Weeks and Johnson, formed a nucleus for the commanders of light, fast vessels to harass British merchantmen.¹⁶ Hynson proved a rascal, but Weeks, Johnson, and Nicholson were quite successful in obtaining prizes.

America owes to Carmichael more than to any other the services of the Marquis de La Fayette. Late in 1776 or early in 1777 La Fayette and Carmichael discussed the question of his offering his services to the Continental Congress. They finally reached the point at which La Fayette offered to furnish the ship to transport himself and other volunteers to America, expressly eschewing any other rewards than commands in the Continental Army. For La Fayette this was

¹⁴ Carmichael MSS., Carmichael to Committee of Correspondence, Nov. 2, 1776.

¹⁵ *Ibid.*

¹⁶ Stevens, Facsimiles, III, No. 248, Memorial of Lt. Col. Edward Smith to Lord Stormont, March 28, 1777.

presumably to be a generalship with lower grades for his companions. While this ship was fitting out an English agent, Lt. Col. Edward Smith, makes mention of it in a report to Lord Stormont, telling the number of those planning to go and of the applause given them by the Queen and her ladies in waiting. He adds, in a matter of fact way, that La Fayette had spoken neither with Deane nor Franklin, but only with Carmichael.¹⁷ The only reference to this by Carmichael himself is in a letter to Robert Livingston, Secretary for Foreign Affairs to the Continental Congress, written when he was formally received as *Chargé d'Affaires* by the Spanish Court in February, 1783, at the instance of La Fayette, then in Spain. In this letter recording his joy at the unusual honor done him he says, "It is the happiest circumstance of my life that the man whose services I was instrumental in procuring to my Country should be the one to whom in a great measure I owe my first public appearance at the Court of Spain."¹⁸

Only one other feature of this residence in Paris is worthy of mention. In the shipment of cannon, as well as munitions of other kinds, and clothing, Deane and Franklin had to depend on others, and Carmichael attended to some of this for them. In January, 1777, he supervised the loading of two French ships at Havre. Just when these were preparing to sail, ostensibly for the West Indies, one loaded with cannon and the other with clothing for the soldiers, an embargo was suddenly placed on the sailing of all ships for the West Indies. Carmichael asked Deane to appeal to the Ministry to lift this embargo so that the ships might sail at once, as he had the Captains in a fine frame of mind by many promises of rewards he had no hope of fulfilling.¹⁹ The permission was granted.

¹⁷ *Ibid.*, March, 1777.

¹⁸ Carmichael MSS., Carmichael to Robert Livingston, Feb. 21, 1783.

¹⁹ Stevens, Facsimiles, VII, No. 630, Carmichael to Deane, Jan. 24, 1777.

Early in January he was at Nantes awaiting a chance to sail with dispatches entrusted to him on Franklin's insistence as a sign of trust, against the wish of Deane. The cause of Deane's distrust may have been a feeling that Carmichael was connected with the treachery of Hynson, but was more likely connected with the incident of Arthur Lee's dispatches. In June, 1776, when Deane arrived in Paris, he insisted on examining these dispatches then in Carmichael's care to be taken to the Continental Congress. The dispatches were opened for Deane's inspection, as Carmichael testifies, notwithstanding his protest, and in the presence of an American, Mr. Rogers, whom he asked to witness the protest.²⁰ The incident seems to have caused no comment, even when Lee came to Paris to make the third member of the Commission and was made fully cognizant of this breach of trust. It was only late in 1777, when Carmichael refused to accompany Lee to Berlin as his private secretary, that the latter raised a great commotion about the matter, and in January, 1778, sent his nephew, Thomas Lee, with two other Americans, William Stevenson and John Thornton, to Nantes to demand the dispatches from Carmichael or a statement that they were not in his possession. To the three men Carmichael expressed his surprise that Mr. Lee, although informed a fortnight after the occurrence, had not sooner made this request. He then launched into a violent attack on Deane, accusing him of using the public money for mercantile pursuits, and specifying a certain interest in ships fitted out jointly with Jonathan Williams, a nephew of Franklin, resident at Nantes.²¹ This information is embodied in a note of Richard Henry Lee to the Continental Congress, September 18, 1778, with the promise that Mr. Carmichael would give a full explanation when he returned to America.²²

²⁰ Statement by Thomas Lee, Wm. Stevenson and J. Thornton at Nantes, Feb. 2, 1778, MSS. Division, Library of Congress.

²¹ John Thornton to Ludwell Lee, Paris, Feb. 20, 1778, MSS. Division, Library of Congress.

²² Journals of Continental Congress (Ford Ed.), XII, 927.

While at Nantes, Carmichael also served as the medium through which John Paul Jones arranged for what is claimed to have been the first naval salute to the American flag. Jones was then in command of the *Ranger* at anchor in Quiberon Bay. He wrote to Carmichael to arrange with the French Admiral at Nantes to return a salute of thirteen guns which the *Ranger* would fire on entering the harbor.²³ The arrangement was evidently made without difficulty.

In February, 1778, Carmichael sailed from Nantes bearing dispatches from the American Commissioners to the Continental Congress. Other dispatches were given to Deane's brother who sailed at the same time, although in another ship. The English agents offered Captain Hynson a restoration to their good graces if he would intercept either Carmichael or Deane. This he was unable to do, although his capture of another American ship about this time indicates an effort on his part to make good. Both sets of dispatches arrived in safety.²⁴

During September, 1778, Carmichael appeared several times before the Continental Congress and was examined in secret session.²⁵ Unfortunately the record of his testimony was not preserved, but it seems to have aided in the disgrace of Silas Deane. When Deane, recalled to America, attempted a defense, he found he lacked evidence only procurable in Paris. He returned for it but was unable to secure what he wished. He later settled in London where he lived a life of intemperance, associated with Benedict Arnold, and died in poverty. He may have been innocent of all blame, and no evidence of misuse of funds can be found, but the testimony of Carmichael and reports of Arthur Lee combined to secure his ruin.²⁶

²³ J. P. Jones Papers, p. 9, Jones to Carmichael, Feb. 13, 1778, Library of Congress.

²⁴ Wharton, II, 626, Lovell to Franklin, June 20, 1778.

²⁵ Journals of Continental Congress (1823 Edition), III, 65.

²⁶ Wharton, II, 412, Deane to President of Congress; Diplomatic

Carmichael took his seat as a member of the Continental Congress from Maryland on November 19, 1778. He was present and voting until September 27, 1779, and served on several temporary committees. His most important assignment was on the "Committee on the Treasury,"²⁷ from which he was only displaced, and a successor elected, after he had been elected as Secretary to the Minister Plenipotentiary to the Court of Spain, September 28, 1779. Prior to this, and while he was still in France, Congress had elected him Secretary to the Commissioners at the Court of France, November 28, 1777.²⁸ News of this choice did not reach France in time to prevent his departure for America, and he did not learn of it until his arrival in America. In a letter from Yorktown, June 17, 1778, he returns grateful thanks to the Congress through its President for this appointment,²⁹ but for some unexplained reason never assumed the office. After his election by Congress, September 28, 1779, as Secretary to Mr. Jay's Commission to Spain, he withdrew from Congress to await the time of departure.³⁰

On October 18, 1779, the *Confederacy* (one of the vessels of the Continental Congress, and now assigned to the task of conveying M. Gérard, retiring from his post as Minister Plenipotentiary of France to the United States, to his home) sailed from Chester on the Delaware. M. Gérard had kindly delayed his departure until John Jay and his embassy to Spain were ready to sail with him. Off the banks of Newfoundland the *Confederacy* was so disabled that the officers feared to continue to France and, after rigging up a temporary rudder, headed for the West Indies, arriving at Martinique, December 18. There they transferred to a French

Correspondence of the United States, 1783-1789, III, 428, Jefferson to Jay, Aug. 31, 1788.

²⁷ Journals of Continental Congress (Ford Ed.), XII, 1142, XV, 1132.

²⁸ Journals of Continental Congress (1823 Edition), II, 354.

²⁹ Carmichael MSS., Carmichael to Pres. of Congress, June 17, 1778.

³⁰ Journals of Continental Congress (Ford Ed.), XV, 1127.

naval vessel, the *Aurora*, and proceeded, supposedly, to Toulon, but dodged into Cadiz, January 22, 1780, to escape English vessels, at that time in superior force in the Mediterranean and off the coast of Spain.³¹ Thus Jay and his embassy were precipitated directly into the country which was to have been their final goal, without the chance of advising with their compatriots at the French Court.

³¹ Wharton, III, 470, Jay to Franklin, Jan. 26, 1780.

CHAPTER II

SECRETARY TO JOHN JAY

The commission issued to William Carmichael, after his election to the post of secretary to the Minister plenipotentiary sent to negotiate with Spain, was as follows:¹

The United States of America in Congress assembled to the honorable William Carmichael, a delegate in Congress from the State of Maryland, greeting:

We reposing especial trust and confidence in your patriotism, ability, conduct and fidelity, do by these presents constitute and appoint you during our pleasure, secretary to our minister plenipotentiary, appointed to negotiate a treaty of amity and commerce and of alliance with his Catholic Majesty. You are therefore carefully and diligently to discharge the duty of Secretary, by doing and performing all things thereunto belonging and, in case of the death of our said minister, you are to signify it to us by the earliest opportunity, and on such event we authorize and direct you to take into your charge all our public affairs which were in the hands of said minister at the time of his death, or which may be addressed to him before notice thereof and proceed therein according to the instructions to our said minister given until our further orders.

Witness his excellency Samuel Huntington, President of the Congress of the United States of America, at Philadelphia, the 29th day of September, in the year of our Lord 1779, and in the fourth year of our Independence,

Samuel Huntington,
President.
Charles Thompson,
Secretary.

The execution of this commission, on its face, seems fraught with few difficulties, except for the possibility of the demise of Mr. Jay, then in the prime of life, and rather more healthy than Carmichael himself, who was frequently troubled with a bilious disorder² accompanied by fever. Mr. Jay, however, probably having in mind the fate of Arthur Lee who had never been permitted to come to Madrid, although commissioned to treat with Spain, decided to send his secretary from Cadiz to find out whether the Spanish

¹ Wharton, III, p. 712.

² Jefferson MSS., Carmichael to Jefferson, July 15, 1786.

officials at Madrid were ready to receive him, and at the same time to observe the lay of the land. He therefore gave Carmichael a letter of instructions and ordered him to go with M. Gérard, who was going overland to Paris by way of Madrid, and, in case the progress of the latter was too slow, to leave him and proceed as rapidly as possible.³ The travelers found the roads so bad that, leaving Cadiz, January 27, they did not reach Madrid until February 11.⁴

For a more perfect understanding of the happenings of the next two years at Madrid, it is necessary to review the instructions given by Congress to Mr. Jay, September 29, 1779.⁵ He was to endeavor to secure the adherence of Spain to the treaty of Alliance of 1778 with France, in accordance with the secret article of the treaty, and, in case of such accession, was to guarantee the Floridas to Spain; "provided always, that the United States shall enjoy the free navigation of the river Mississippi into and from the sea." For securing this adherence he was to seek the assistance of the French king and make such proposals to the Spanish king as he judged necessary to gain privileges such as were granted in the treaty with France, observing however the resolution as to the Floridas and navigation of the Mississippi as the "Ultimatum of the United States." He was to endeavor to get a port on the Mississippi below the 31° north latitude for merchandise of the States using the river, and to seek a loan of \$5,000,000 at interest not in excess of 6 per cent., first, however, seeking a subsidy in consideration of the guarantee of the Floridas to Spain.

The instructions⁶ of Jay to Carmichael were more detailed on his sending him to Madrid. He was to deliver a letter to M. Galvez, Minister to the Indies, who was charged with the colonial affairs of Spain and was, according to M. Gérard, the man whom Mr. Jay should address. In his dealings with

³ Wharton, III, 474, Jay to Pres. of Congress, Jan. 27, 1780.

⁴ Ibid., 496, Carmichael to Jay, Feb. 15, 1780.

⁵ Journals of Cont. Congress (Ford Ed.), XV, 1118-1120.

⁶ Wharton, III, 472-474.

the French ambassador he was to be considerate and candid but not more confiding than prudence dictated; and to others about the court to profess strong attachment to France, but so as to convince them that he and Jay were not under the "direction of any Counsels" but their own. He was to ascertain whether any such aversion existed between the French and Spanish Courts as appeared to exist between the subjects of the two nations. In addition he was to report on revenues and expenditures of Spain; regulations of the press; to spread knowledge of cruelties of the enemy; recount achievements of Virginia and the western country near the Mississippi in subduing Indians and making settlements, but to add that it would take ages to settle such extensive regions. In a general way, he was to be alert for any information of value as to military or naval plans to carry on the war, especially on the Mississippi and in the Floridas. The instructions closed with a last warning to be circumspect in conduct and regular and circumstantial in correspondence with his superior, using a cipher for all private matters.

With these instructions in mind, Carmichael arrived in Madrid, and on the following day dined by invitation with the French Ambassador, Count de Montmorin, who made himself most agreeable and represented his Court as increasingly friendly to the United States.⁷ In proof of this he stated that the king had promised three million of livres annually to the United States during the continuance of the war, and had determined to send a considerable marine and land force early in the year to America to be at the disposition of, and under the direction of, General Washington. In response to such candor Carmichael tried to show himself equally as unreserved, and inquired as to how to reach M. Galvez to present the letter from Mr. Jay. He was informed that M. Galvez was at the Pardo, a residence of royalty, about two leagues from Madrid, and that the letter should have been addressed to the Count de Florida Blanca, Minister of For-

⁷ Carmichael MSS., (Inclosure in letter to Huntington, Feb. 19, 1780); Wharton, III. 496; Carmichael to Jay, Feb. 15, 1780.

eign Affairs. Count de Montmorin then offered to introduce Carmichael to both Ministers and to make application for his reception the following day. Carmichael wrote at once to Jay that there would be no difficulty as to his reception, as he had certain knowledge that several months before M. Miralles, Spanish representative at Philadelphia, had been instructed to seek American troops to serve in pay of Spain for the conquest of Florida.⁸ This news he thought answered Mr. Jay's instructions as to plans of Spain against the Floridas, and the only other opinion he ventured to put forth was that the relation between the Spanish and French Courts was one of "perfect harmony and good understanding."

Faced with an embarrassing situation, resulting from the error of Mr. Jay in addressing the wrong minister, Carmichael, with the aid of the Count de Montmorin, arranged a joint interview with M. Galvez and the Count de Florida Blanca. To M. Galvez he presented the letter, at the same time explaining to Florida Blanca the reasons which led Mr. Jay to address his colleague. Both seemed satisfied, and the letter was at once transferred to Florida Blanca, who promised to lay it before the king the same night for his consideration. Encouraged by this favorable reception, Carmichael hinted at the pleasure it would give Congress and the American people to hear of the reception of Mr. Jay at Madrid, and added that Mr. Jay would be glad to send news of it to Congress by ships then ready to sail from Bilboa or one of the ports of France. The Count replied that the king knew of Mr. Jay's presence at Cadiz, and had given orders that his overtures should be received, and that Mr. Carmichael was at liberty to inform him of this. He closed the interview with the hope that he would have an answer to the letter ready by Monday, and later, through the Count de Montmorin, made an appointment for Carmichael to go to the Pardo on that day. The latter now felt that Mr. Jay might prepare for his journey to Madrid.⁹

⁸ Carmichael MSS., Carmichael to Jay, Feb. 15, 1780.

⁹ Ibid., Feb. 19, 1780.

On receiving this report from his secretary, Mr. Jay was rather inclined to reprove him for his delay in waiting for the personal interview to present his letter to M. Galvez, and reminded him that he wished to get an answer to it before the sentiments of France could be ascertained. He feared that the delay interposed by Count de Montmorin was to gain time for the news to be sent to Paris, and would block his scheme to find how independent the Court of Spain was of France. As to the information that he had addressed the wrong man he hesitated to believe it, as his informant, M. Gérard, was so well versed in the procedure of European Courts, and he asked for more detailed information in the next report. The report of new French aids in money and troops he considered so agreeable as to deserve an immediate report by a vessel sailing shortly for Boston, fearing the usual channels might fail to carry the news. The intelligence as to instructions for M. Miralles was quite important, if certain, and the rank and character of the informant, with his opportunity of gaining information, should be sent in cipher as it might influence the determinations of Congress. Above all, Carmichael was to observe as the leading instruction the securing of an answer to the letter to M. Galvez, and subordinate the other instructions to that.¹⁰

The day before this letter was written by Jay, Carmichael had secured the answer from Florida Blanca to Jay inviting the latter to come to Madrid and present his propositions. After complimentary allusions to Mr. Jay, of whom he had good reports, the Count signified the pleasure of his Majesty to consider the union proposed between the United States of America and Spain, and wrote: "For this purpose there is no obstacle to your excellency's coming to this Court in order to explain your intentions and those of the Congress and to hear those of his Majesty, and by that means settling a basis upon which a perfect friendship may be established, and also its extent and consequences." Until these points

¹⁰ Wharton, III, 520, Jay to Carmichael, Feb. 25, 1780.

were settled his Majesty advised against the assumption of a formal character on the part of Mr. Jay, as this depended on a public acknowledgment and future treaty. Florida Blanca assured him of the "sincerity and good dispositions of his Majesty towards the United States" already communicated to Mr. Carmichael.¹¹

Mr. Jay¹² interpreted this letter to mean that Spain would acknowledge the independence of the United States, if granted the terms they desired incorporated in a treaty. He felt also that France was resolved to so conduct herself as to make both Spain and the United States her debtors for all concessions on either side. In his conversations with M. Gérard, that gentleman had expressed a fear that a certain resolution of Congress (that on navigation of the Mississippi) would, if persisted in, ruin the prospects of a treaty. Jay, on the other hand, felt "it would be better for America to have no treaty with Spain than to purchase one on such servile terms." Since Spain was already at war with Britain, no such concession appeared to him to be necessary. He informed the President of Congress that he would proceed immediately to Madrid, but it was about three weeks later before he set out, and he did not reach Madrid until April 4.¹³

On the ninth of March the Count de Florida Blanca presented to Carmichael a list of questions preparatory to the proposed discussions. Carmichael refused to answer these until the arrival of Jay and presented the note to him on that occasion. The preamble translated, read, "Before entering into a discussion with Mr. Jay or Mr. Carmichael, jointly or separately, on the subject of the affairs of the United States of America and their mutual interest with respect to Spain, it is judged indispensable at Madrid that the Catholic king should be exactly informed of the civil and military state of the American provinces, and of their resources to continue

¹¹ Ibid., p. 75, Florida Blanca to Jay, Feb. 24, 1780. (Translation).

¹² Ibid., pp. 529, 530, Jay to Pres. of Congress, March 3, 1780.

¹³ Ibid., p. 710, Jay to Pres. of Congress, May 26, 1780. (Translation).

the present war, not only for the defense of their own liberty, but also with respect to the aid and success they may be able to afford Spain in its operations in case hereafter this crown should become the ally of America." He then listed five specific questions on the civil state covering population, forms of the state governments, resolutions to continue the war, strength of the party in favor of England, revenues of States, public debt and debts of each State with prospects of payment to support their credit, and, lastly, possibilities of commerce with Spain, of furnishing ships of war to Spain, and likewise timber and other articles for the king's arsenal, as well as the terms on which such naval supplies would be furnished. As to the military state, he wished to know the strength of American forces, especially in Georgia and Carolina, and possibilities of augmentation, subsistence for the army and state of American marine. He concluded with a statement that proper foresight required Spain to seek such information and disclaimed any effort "to dive into matters which Mr. Jay or Mr. Carmichael may regard as reserved to themselves."¹⁴

It was not until April 25 that Mr. Jay had prepared and was ready to submit a lengthy answer to all these queries. The delay was partly due to the removal of the Court to Aranjuez, and the attendance of the Ministers on the king during the annual chase. In his answer Mr. Jay took up the questions in the same order in which they were asked, answering each as fully as was possible at the time and with every appearance of frankness. He was quite truthful as to the amount of the debt of the United States, and while certain of the possibility of payment, was not so sure of the probability of it, but daily expected advices from America on it. He held out rosy prospects of commerce with Spain in time of peace, but could not surely tell of prospects of supplying naval stores to Spain, although an abundance of spars and masts of the best quality existed there. As to the condition

¹⁴ *Ibid.*, p. 710. (Translation).

of the army, he admitted a lack of clothing and arms as well as poor subsistence but exalted their spirit. He was also hazy on the question of the marine, putting the number of ships of Congress at ten or twelve and of privateers over a hundred. In the summary Jay emphasized the determination of Americans to maintain their independence, "though forsaken by all mankind."¹⁵

Two days later Jay's plans were sadly disarranged by a letter from the Committee of foreign affairs enclosing resolutions of Congress of November 23 and 29, 1779, authorizing drafts on him and on Mr. Laurens, who was endeavoring to secure a loan in Holland, for £100,000 sterling each. Since the bills were drawn at six months, sight payment would be expected the next month and depended on securing the money from Spain. Instead of waiting for the next move on the part of Spain, Jay was compelled to hurry to Aranjuez and beg for money.¹⁶ This he did in a letter to the Count de Florida Blanca in which he told him frankly of the drafts made on him and on Mr. Laurens, explaining this seemingly indelicate act of Congress by the pressing need of maintaining the public credit and the confidence they had in the magnanimity of his Catholic Majesty. He requested the Count to lay the matter before the king, assuring him of the confidence America felt in his liberality and wisdom.¹⁷

Mr. Jay held a long conference¹⁸ with the Count, May 11, 1780, on the subject of both his letters, at which conference Carmichael was present. The Count, speaking as an individual, took up first the matter of finance, and, after a frank revelation of the sad state of Spanish finance due to heavy cost of the marine for that year and great losses in supplies purchased, delivered too late in France, and sold at half the cost, said that by the end of the year he would have it in his power to advance twenty-five to forty thousand pounds

¹⁵ Ibid., p. 719, inclosure, Jay to Pres. of Congress, May 26, 1780.

¹⁶ Ibid., p. 721.

¹⁷ Ibid., pp. 719-721, inclosure, Jay to Florida Blanca, Apr. 29, 1780.

¹⁸ Ibid., Jay's Notes, p. 722 ff.

sterling, and would satisfy the owners of bills presented before that time by engaging to pay them in the name of his Majesty. This matter being disposed of for the time, they proceeded to the question of the proposed treaty.

The Count, discarding his pose as an individual, and now speaking as a Minister, apprehended but one obstacle to such a treaty, and that was the pretensions of America to the navigation of the Mississippi. He frankly stated that Spain wished to exclude the English from the Gulf of Mexico and that the king's ideas on this subject were fixed under the preceding Ministry. He knew from M. Miralles that Congress had at one time relinquished this object and later had made it an essential point of the treaty. He hoped this impediment could be removed, but, if Mr. Jay insisted on it, they would have to await answers from letters sent to Havana and Louisiana to get local information. Mr. Jay replied that many of the States bordered on the Mississippi and were interested in its navigation but were willing to enter into amicable regulations as to contraband or other objects of uneasiness to Spain. The Count insisted that his Majesty regarded this as a vital matter, but he himself hoped some middle way might be found, and he asked Mr. Jay to turn his mind to this subject. As they parted with mutual civilities, the Count asked Mr. Jay to notify him if he left for Madrid that he might put his views in writing, and hand them to Mr. Carmichael.

The precipitancy of Florida Blanca in coming to the point where Mr. Jay had feared delay, caused him to write for instructions and information.¹⁹ His opinion was that if Congress remained firm as to the Mississippi, Spain would be content with equitable regulations, and he wished to know whether Congress would consider such regulations as to contraband as inconsistent with their ideas of free navigation. Another question in his mind was how far he should confide in the French Ambassador. This led him to send a seemingly

¹⁹ *Ibid.*, p. 725, Jay to Pres. of Congress, May 26, 1780.

ingenuous letter to Count de Florida Blanca, pretending ignorance of ways of courts and asking how far he wished his confidence respected in such a case. The reply was that there was no need of secrecy so far as the Count de Montmorin was concerned, but that, if an occasion should later arise requiring such secrecy, they should agree on such points at the time.

Shortly after this conference and interchange of letters, Jay returned to Madrid.²⁰ On May 26, he sent a long report to the President of Congress, enclosing the notes on the conference with Florida Blanca and copies of the letters, and giving much interesting information of the country and people. He, like others sent to Spain, found it the most expensive place in Europe, as the Court moved about between five different places, Madrid, The Pardo, Aranjuez, St. Ildefonso, and the Escorial. He also suffered the common fate of finding all his letters sent by the public post in France and Spain opened in transit. In a postscript to the report is the following: "Congress may think it extraordinary that Mr. Carmichael's handwriting does not appear in this letter. He is, with my approbation, now at Aranjuez, and I must do him the justice to say that he is always ready and willing to do his duty as Secretary."²¹

On this detached duty, finding time for extra work, Carmichael began a correspondence with the Committee of Correspondence which later proved a fortunate circumstance as appeared from the testimony of the Secretary of the Committee, Mr. Lovell.²² The first letter dated at Aranjuez, May 28, 1780, was long and gave interesting observations on conditions in Europe and the Parliamentary crisis in England. That his view of the prospects of Spanish aid, and of a treaty, was nearer the truth than that of Mr. Jay will appear from the following paragraph:

²⁰ Ibid., p. 707, May 26, 1780.

²¹ Ibid., p. 710, Jay to Pres. of Congress, May 26, 1780.

²² Carmichael MSS., Carmichael to Committee of Correspondence, I, May 28, 1780; Wharton, IV, 506, Lovell to Carmichael, June 15, 1781.

The king, the Prince of Asturias, and the ministry appear favorable to our cause, but I am afraid their ability to assist us in the article of money is neither equal to our expectations or their desires to serve us. The papers sent by Mr. Jay will show the sentiments of this court with respect to the objects of his mission. I think the negotiation will be attended with more delay than Congress had reason to apprehend when we left America. This court manifests a strong desire of excluding every other nation from the navigation of the Mississippi, and, indeed of the Gulph of Mexico. The situation of the affairs of America will undoubtedly regulate the conduct of Congress on this subject, and I hope it will be such as to enable them to adhere to the rights of all the States.²³

The question of finance, public and private, continually troubled both Mr. Jay and his secretary. The first of the bills of exchange drawn by Congress on Mr. Jay came in a letter to Carmichael from Mr. Nesbitt of L'Orient, who had wisely refrained from negotiating it without consulting him. Others soon followed and were met as suggested by the Count de Florida Blanca in his conference with Mr. Jay.²⁴ In their private finance both found expenses more appalling than they had anticipated. Carmichael testified that "Mr. Jay's situation has been particularly disagreeable, the sum allotted by Congress by no means accords with his necessary expenses even if he received his salary as it became due." Carmichael had been voted by Congress an annual salary of £1000 to begin when he started on his journey.²⁵ Of this £650 was due at this time, and he had received only £200 and that by virtue of a draft on Dr. Franklin.²⁶ The latter gentleman continued to supply their needs as he was able for several years. The records of the bills of exchange were carefully kept by Carmichael, to whom Jay sent all for inspection before presentation to him for payment, and, after such presentation they were again given to Carmichael for a last careful examination. The bankers were also notified

²³ Carmichael MSS., Carmichael to Com. of Correspondence, May 28, 1780.

²⁴ Wharton, III, 739.

²⁵ Journals of Cont. Congress (Ford Ed.). XV, 1145.

²⁶ Carmichael MSS., Carmichael to Com. of Correspondence, May 28, 1780.

to pay no such bills unless previously signed by Carmichael to indicate their validity.²⁷

After Mr. Jay had returned to Madrid, leaving Carmichael at Aranjuez, the latter learned, from what he judged a trustworthy source, that the Spanish fleet sailing with troops from Cadiz, April 28, was destined to go to the Windward Islands to act with the Count de Guichen and then to proceed to Jamaica, or the Floridas, as circumstances directed. He wrote Mr. Jay the news, May 27, and then proceeded to Madrid to communicate the source. Jay that same day forwarded the letter of Carmichael to the President of Congress,²⁸ assuring him that this information deserved belief and Carmichael credit for obtaining it.²⁹

Although the Count de Florida Blanca in the conference with Jay, May 11, had promised his sentiments in writing in a few days on the question of a treaty, and on that of the expected bills of exchange, the promise was delayed in fulfillment. It was not until Jay's return to Aranjuez that the Count sought to explain the delay in a conference of June 2, arranged by himself. The delay was attributed to his desire not to trouble Mr. Jay in his illness (a rheumatic attack), and to this was added his own frequent disability, a nervous disorder resulting from application to work. The Count then promised that the notes would be presented to Mr. Carmichael if he would call on him the next Sunday, July 4, at 11 o'clock in the forenoon.³⁰ Due to the arrival of important dispatches for the minister relating to the sailing of the British grand fleet, Carmichael was refused admittance and requested to return at the same hour the following day. At that time he was admitted and had a short conference with the minister, who spoke of a proposed expedition from Bilboa to intercept the British East India fleet homeward

²⁷ Wharton, VI, 816, Jay to Pres. of Congress, July 25, 1784.

²⁸ Ibid., III, 740, Jay to Pres. of Congress, May 28, 1780.

²⁹ Ibid., III, 736, Carmichael to Jay, May 27, 1780; Carmichael to Com. of Correspondence, May 28, 1780.

³⁰ Wharton, IV, 113, Notes on Conference, by Carmichael, June 2, 1780.

bound, and asked Carmichael to request Mr. Jay to give an opinion of the probability of success of such a move. As to the bills of exchange or the treaty, he said little, but promised notes on both these subjects if Carmichael would wait on him the next Wednesday at the same hour.³¹

The subject of a treaty was not mentioned in the note delivered at the appointed time. As to the methods of meeting the bills of exchange the Count proposed that, owing to the great demands of the war on Spain and the danger of bringing treasure from their possessions with strong probability of capture, an expedient be found to meet such bills without specie payment. He thought the owners of the bills might be persuaded to accept a promise to pay in two years on the security of the King of Spain, and said the King would agree to be responsible on those terms for the amount previously mentioned. In return for this Spain would expect aids from the United States in ships. In particular the Count proposed the fitting out of four good frigates and some smaller vessels, to sail from the ports of the United States under Spanish colors and intercept the homeward bound British East India convoys.³² Two days later Jay sent a reply urging that the holders of the bills of exchange would prefer that the bills go to protest rather than postpone payment for two years, since they could then collect from prior indorsers in cash. He emphasized the disastrous effect of such protests on the credit of the United States and the consequent rise of the hopes of the enemy. Without money the United States could furnish no ships nor supplies to Spain, and they now asked for this money and were willing to promise repayment with interest, and within a reasonable term, of any sum granted. The participation of the United States in any such expedition as that to intercept the East Indiamen was not possible without financial aids.³³

³¹ Ibid., p. 114, Notes on Conference, by Carmichael, June 2, 1780.

³² Ibid., pp. 115-116, Notes of Florida Blanca, June 7, 1780. (Translation.)

³³ Ibid., p. 118, Jay to Florida Blanca, June 9, 1780.

Considerable coolness followed the refusal of Jay to accede to the propositions put forth. The Spanish Minister allowed him to accept a bill for \$333 presented June 19, but, in a letter of June 20, warned him he could not do so again without consulting the king.³⁴ In reply to a hint in this letter that Mr. Jay should propose other means of meeting the bills, since he rejected those already proposed, Mr. Jay wrote a letter,³⁵ June 22, recalling the promise of Florida Blanca in the earlier conference that by the end of the year he could advance from twenty-five to forty-five pounds sterling. From this vantage point he proceeded to urge again the need of money on the part of his country, their trust in Spain, and their intent to pay in full. In order to compel the minister to deny his promise of the earlier conference, or admit it by his silence, Jay desired Carmichael to deliver this letter by his own hands, which he did. It was never directly answered.

For a week matters stood thus, when Jay was compelled to apply again to the Count, as bills were presented to the amount of nearly \$11,000, most of them held by Messrs. Joyce of Madrid, who agreed to wait for an answer until the Monday following.³⁶ The Count requested Mr. Jay, in a brief note, to require the Messrs. Joyce to wait a few days longer until he could consult with other ministers, now returned to Madrid. In a short note of July 3, 1780, the Count, writing now in Madrid, requested the paying date of the last bills of exchange in the hands of the Messrs. Joyce. To Mr. Jay these notes signified an intention of aiding him, but unfortunately the news of the fall of Charleston came before he had his conference of July 5, with the minister.³⁷

In the conference of July 5, Jay proposed that, if agreeable to the Count, he would like to have M. Del Campo present, as he spoke English and could better convey their thoughts. The Count appeared disinclined to this, and said that Mr.

³⁴ Ibid., p. 119, Florida Blanca to Jay, June 20, 1780. (Translation).

³⁵ Ibid., pp. 119-120, Jay to Florida Blanca, June 22, 1780.

³⁶ Ibid., p. 122, Jay to Florida Blanca, June 28, 1780.

³⁷ Ibid., p. 123, Jay to Pres. of Congress, Nov. 6, 1780.

Carmichael could serve very well for this purpose. After some discussion of the fall of Charleston and the death of M. Miralles, for whom the Count said he had recommended to the king a successor who spoke English, whom he expected soon, and who would confer with Mr. Jay on the bills of exchange and other matters, they proceeded to the matter of the bills held by Messrs. Joyce. The Count proposed that the holders be requested to await payment until the arrival of the man chosen to confer with Mr. Jay or, if they demanded payment at once, to accept them payable at Bilboa. He regretted the act of Congress in drawing on Mr. Jay without first addressing the king, who might have shipped specie from his American possessions to meet their needs. He did, however, give Mr. Jay authority to accept the bills of Messrs. Joyce, payable at Bilboa, but designated no house to receive them there, and again requested a delay of a fortnight, if that were possible.³⁸

Of those presenting bills for the next few weeks Mr. Jay was compelled to ask a delay as the Count had requested. Matters were in this situation with bills to the amount of \$6,600 unaccepted, when the Count moved to St. Ildefonso on the first of August. The illness of Mrs. Jay and the death of a child detained Mr. Jay in Madrid. Mr. Carmichael went with the Count.³⁹ In a letter of August 12, the Count informed Mr. Jay of his regret that the mysterious person expected had not yet arrived.⁴⁰ Since the Count had said that this person spoke English, and that Jay and Carmichael knew him, Jay supposed it was to be one of the Gardoquis, three of whom spoke English. In a letter to Jay of August 12, Carmichael voiced his belief that this man had at last arrived, as a person resembling the Gardoqui family had arrived at the same inn in which he lodged.⁴¹ The holders

³⁸ Ibid., p. 124, Carmichael, Notes on Conference of Jay and Florida Blanca, July 5, 1780.

³⁹ Ibid., pp. 126, 127.

⁴⁰ Ibid., p. 126, Florida Blanca to Jay, Aug. 12, 1780. (Translation).

⁴¹ Ibid., p. 127.

of bills becoming quite pressing, Mr. Jay wrote two letters to the Count from Madrid with no answer and, after obtaining a promise from the holders to wait until the next Monday, set out for St. Ildefonso, August 24. On his arrival the next day he sent a third letter on the same subject, with still no answer. The next morning he went to pay his respects to the minister, but was told he was sick. Mr. Jay was inclined to doubt this when he learned that the French Ambassador had been with him in the morning and that he had taken his usual ride in the afternoon.⁴²

Carmichael, by piecing together several bits of evidence, deduced that the man expected had already arrived and was lodging at M. Del Campo's. As this man was on hand and yet no action had been taken, and as Jay could get no answer from the Minister, he resolved to ask aid of the French Ambassador. The Count de Montmorin advised Jay to seek an audience with Florida Blanca but, finding him unwilling to do so, said he would speak with the Minister on the subject, although probably not before the next Wednesday. This he found impossible to do, and again urged Jay to write a fifth letter mentioning the other four as yet unanswered. Jay still refused to do this, but on reflection consulted the Count de Montmorin later as to the advisability of sending Carmichael to the Minister to request a conference. The Ambassador thought this a good plan, but advised a delay until Saturday, as the Minister was occupied with some weighty matters.⁴³ On Saturday, September 2, Jay gave a message for the Minister to Carmichael, but instructed him to call first on the French Ambassador to find out whether anything new had developed to prevent his mission. The Ambassador said he had spoken to the Minister, who replied that he would be too busy to see Mr. Jay on that day. Since the Ambassador thought that this did not preclude an attempt on the part of Carmichael, Jay decided that he should carry the message as planned. After a long wait in the antechamber,

⁴² Ibid., p. 128.

⁴³ Ibid., p. 133.

Carmichael delivered his message and was told that the Minister could not see Mr. Jay before Tuesday evening, and that Mr. Carmichael should return Tuesday morning to find if it were possible then. The appearance of the long promised negotiator in the person of Don Diego Gardoqui of Bilboa, who presented himself to Mr. Jay on Sunday, September 3, obviated the necessity for a conference with the Minister at that time.⁴⁴

Don Diego Gardoqui followed the same line of conduct as the minister before him. He thought the United States should make a specific offer of the navigation of the Mississippi and supplies to Spain in return for the £100,000 desired of Spain. Mr. Jay replied that it was the intention of the United States to repay the money with reasonable interest after the war as other nations did in like case. He refused to admit that the Mississippi could come into question for such a sum of money, and doubted the possibility of a return in ships, timber, etc., to Spain, as these required money in America as well as in Europe. The conference closed with an agreement to meet the next day at M. Del Campo's.⁴⁵

The conference at the home of Del Campo was very unpleasant to Mr. Jay, as that gentleman brutally censured the United States for drawing bills on Spain without first ascertaining whether or not they would be paid. He stated that such bills should have been drawn on France, the ally of the United States, rather than on Spain.⁴⁶ He then referred to the ruinous condition of the affairs of the United States and the rumors that some of the States were seeking secretly for peace with England. Jay replied as best he could, but afterwards recorded the discourtesy of Del Campo, as opposed to the courteous treatment he invariably experienced at the hands of the king, Florida Blanca,⁴⁷ and Gardoqui.

⁴⁴ Ibid., p. 133.

⁴⁵ Ibid., p. 65, Jay to Vergennes, Sept. 22, 1780.

⁴⁶ Ibid., p. 64, Jay to Vergennes, Sept. 22, 1780.

⁴⁷ Ibid., III, p. 725.

The next day Jay was allowed to accept bills to the amount of \$1,110, but a week later the blow fell when Gardoqui conveyed the decision of the minister "that exigencies of the State would not permit the king to provide for the payment of more of the bills than had already been accepted; amounting to about fourteen thousand dollars." Since bills for \$50,000, unaccepted as yet, were in the hands of merchants, some of whom had already waited patiently since June for payment, a protest seemed inevitable. The sudden decision of the minister was due, in Mr. Jay's opinion,⁴⁸ to his resentment at the failure of a scheme of finance wrecked by the action of M. Necker,⁴⁹ the French Minister of Finance, and really aimed at France through the United States. The blow was somewhat softened a few days later by an offer on the part of the Spanish King to assume responsibility for a loan of \$150,000 to be obtained from private sources, and a promise of clothing for soldiers of the United States.⁵⁰

The Spanish scheme of finance which was mentioned above, on the success of which any hope of financial aid to the United States depended, was detailed by Carmichael in a letter to the Committee of Correspondence of the Continental Congress, September 9, 1780. The projector was M. Cabarrus, who afterwards organized a national bank to aid governmental finance. The scheme was to secure a loan of \$9,000,000 in four months and possibly to expand it as needed. Cabarrus was to supervise the loan and take ten per cent. for expenses and profits. He in turn gave three or three and a half per cent. to the lenders for the use of their money for four months. The lenders were to remit by bills of exchange on Spain, and redraw for their principal and interest at the end of four months. At this time, instead of paying in specie, the government was to issue paper in repayment, bearing interest of four per cent., and guaranteed by the Crown and the councils of the kingdom. A cedula was to be issued the 20th

⁴⁸ *Ibid.*, IV, p. 65, Jay to Vergennes, Sept. 22, 1780.

⁴⁹ Carmichael MSS., Carmichael to Com. of Correspondence, Sept. 9, 1780.

⁵⁰ *Ibid.*, Sept. 25, 1780.

or 21st of September, giving currency to this paper and enacting severe penalties on any one refusing to accept it as legal payment. M. Necker, finding large sums were remitted from France, and distrusting the issue of paper, gave orders not to receive the bills of exchange of the houses concerned at the Caisse Royale in France. Following this lead the house of Gerardot, Haller and Co., of which Necker had once been the head, issued circular letters to all parts of Europe discrediting the loan. This not only stopped the ingress of further sums to the Spanish treasury but forced remittances to support their credit, and made the Spanish Ministers very angry with M. Necker. The indirect result was the refusal of the Spanish Minister to aid Mr. Jay in meeting any further bills drawn on him, and the ruination of any prospect for a large loan to the United States.⁵¹

The refusal of the Spanish Minister to aid Mr. Jay in meeting further bills of exchange was conveyed orally by Don Gardoqui,⁵² and, the next day, Mr. Jay wrote the minister asking a definite statement of what aids the United States might expect from Spain.⁵³ This he did in an endeavor to get the refusal in writing. The following day he was presented with a statement dictated by Del Campo to Gardoqui, rehearsing the Spanish views as given before, but promising that, if Mr. Jay could borrow \$150,000 from private sources, the king would be answerable for repayment in three years. The promise of clothing was also renewed, but the statement concluded with the reminder that the States had not as yet offered any equivalent for aids heretofore rendered, and that there were hints of an understanding between the Colonies and England. Jay expressed to Gardoqui his great indignation over this last assertion. Finding the paper unsigned, Jay persuaded Gardoqui to sign it some days later, although he seemed to doubt the necessity for it.⁵⁴

⁵¹ Ibid., Sept. 9, 1780.

⁵² Wharton, IV, 138.

⁵³ Ibid., p. 138, Jay to Florida Blanca, Sept. 14, 1780.

⁵⁴ Ibid., p. 138 (Translation of Paper presented to Jay by Gardoqui).

Reports of successes of the American troops and of the high spirits of the people came just at this time to cheer Mr. Jay, and he communicated the news at once to Florida Blanca.⁵⁵ This happened the day before M. Gardoqui presented the note as to Spanish intentions, and, on the following day, Jay wrote to the President of Congress to suspend the issue of bills drawn on him. The bills continued to come in at this time, and the holders still agreed to refrain from protesting them while Jay exhausted every device to meet them. On September 22, he wrote to Count de Vergennes, as did the French Ambassador, detailing the circumstances and asking aid.⁵⁶ The same day he wrote Dr. Franklin, enclosing a copy of the letter to Vergennes and asking him to press that Minister for aid.⁵⁷ These letters were dispatched by a French courier, and the success attending them tided Jay over his embarrassment for a time, as Franklin wrote him, October 2, advising him to draw on him for sums not to exceed a total of \$25,000. He did not hear directly from Vergennes, but the Count de Montmorin had a communication from him and advised Jay of it. From this source he learned that Dr. Franklin wished to borrow 1,000,000 livres,⁵⁸ which he afterwards secured.⁵⁹

The good news from America of successes in New Jersey relieved somewhat the tension following on the capture of Charleston. This was indicated by an invitation to Mr. Jay to confer with Florida Blanca the evening of September 23. In this conference Gardoqui acted as interpreter and Carmichael took full notes, afterwards inclosed by Mr. Jay in a letter to the President of Congress.⁶⁰ The Count opened the conference by expressing his pleasure that Congress had given license to ship three thousand barrels of flour, under

⁵⁵ *Ibid.*, p. 139.

⁵⁶ *Ibid.*, pp. 140-142, Jay to Vergennes, Sept. 22, 1780.

⁵⁷ *Ibid.*, p. 142, Jay to Franklin, Sept. 22, 1780.

⁵⁸ *Ibid.*, p. 149 (Translation of extract from Vergennes to Montmorin).

⁵⁹ Carmichael MSS., Carmichael to Com. of Correspondence, Oct. 15, 1780.

⁶⁰ Wharton, IV, 143-147. (Notes of Carmichael).

direction of Robert Morris, for the use of the Spanish fleet and soldiers in the West Indies. He also was pleased at the agreement of Congress to dispatch Gen. Gates to the Carolinas to make a diversion while the Spanish attacked Pensacola. For these favors his majesty wished Mr. Jay to convey his thanks to Congress.

The business side of the conference dealt with aids and the treaty. With reference to the first the Count expressed the hope that, with the consent of the French, clothing for ten regiments, recently captured with a British convoy by combined Spanish and French fleets, could be shipped to America. This had to await the consent of the French Ambassador. Mr. Jay then asked the Count that his thanks be conveyed to the king for his offer to become security for a loan of \$150,000, and asked the Count how this security was to be represented to possible lenders in Spain, France, or Holland where he planned to attempt the loan.⁶¹ The Count promised to consult M. Musquiz, Minister of Finance, as to this. He then expressed regret at his inability to carry out his early promises, and blamed it on the failure of two treasure ships to sail so as to arrive in December or January as expected. Mr. Jay then referred to the paper presented to him by Gardoqui, September 15, and found the Count rather uneasy over this discussion and ready to change the subject. This led to the mention of the treaty, and to a statement that the Minister had not yet seen the terms proposed by Jay. Mr. Jay reminded him of the promise of June 2, at Aranjuez, that he would prepare a written statement on aids and one on terms of a proposed treaty. The Count thought he had prepared both and given them to either Jay or Carmichael, but both denied receiving them.

The way seemed now to be open to discuss treaty terms, and Jay proposed as the first step the question as to whether the Spanish King would accede to the treaty with France of 1777, as provided for by the secret article, or what alterations he would propose. Florida Blanca was decidedly of the

⁶¹ *Ibid.*, pp. 145-146.

opinion that the situation of France and Spain with respect to America was so different as to necessitate a new treaty. He felt that there was no hurry for such a treaty since Congress was not disposed to yield on the one point the king considered vital. This led him to the question of navigation of the Mississippi. Such a right granted the United States would balk Spain in her desire to exclude all nations from the Gulf of Mexico which the Minister regarded as the principal object of the war, even preceding the acquisition of Gibraltar. He remarked that Mr. Miralles had informed him that Congress would yield the navigation of the Mississippi, and it was only on the arrival of Jay in Spain that he had learned of the new resolution of Congress on that subject from M. Gérard. Finding further progress hopeless, Jay turned to the question of ships and timber, which he understood Spain desired of America, and assured the Minister both were obtainable but would best be secured through a successor to M. Miralles. This the Minister admitted, and promised to let Mr. Jay know his intentions on that subject.

On Monday following this conference Jay returned to Madrid, and, a few days later, was informed by Gardoqui that the Minister would send instructions to the Spanish Ambassadors in France and Holland to certify to all inquirers the responsibility for the loan under discussion, and that he himself would do the same in Spain.⁶² Jay, however, had scant hope of the success of this project, and made no move to negotiate with Holland on learning of Adams' arrival there to seek a loan.⁶³ He continued, however, to accept bills, on the strength of Dr. Franklin's letter, and the better disposition of the Spanish Minister.

So far as a treaty was concerned matters were at a standstill until one side should give way. Congress adopted a resolution on October 4, reiterating their instructions to Jay as to navigation of the Mississippi, and instructing him to adhere to the boundaries as already fixed by Congress. He

⁶² Ibid., p. 147, Jay to Pres. of Congress, Nov. 6, 1780.

⁶³ Ibid., p. 385, Jay to De Neufville & Son, Jan. 8, 1781.

was further instructed that, in case Spain had possession of the Floridas at the end of the war, he should seek the right of navigation of rivers flowing from Georgia through West Florida into the Gulf of Mexico, and, in return, could guarantee possession of the Floridas to Spain.⁶⁴ Such instructions after the positive statement of the Spanish Minister, September 23, as to the finality of the Spanish position on the exclusive control of the Gulf of Mexico, were not at all helpful to Jay in the carrying out of his mission.

No new developments arose in the matter of a treaty until Congress passed the resolution⁶⁵ of February 15, 1781, remarkable as a recession from their previous position. This resolution was moved by the delegates of Virginia, who had first asked and received similar instructions from their constituents (the Legislature of Virginia).⁶⁶ It was supported by the delegates from Georgia and South Carolina, and others, who hoped that Spain might be thus induced to reject British proposals and enter into an alliance enabling the allied forces to recover the Southern States, then overrun by the British forces. This resolution was incorporated in a letter from Samuel Huntington, President of the Continental Congress, to Jay, reciting the desire of Congress to show his Catholic Majesty the moderation of their views and the high value they placed on his friendship, as well as to remove the obstacle to his accession to the alliance between France and the United States, and ran as follows:

"Congress . . . have resolved, and you are hereby instructed, to recede from the instructions, above referred to, so far as they insist on the free navigation of that part of the river Mississippi, which lies below the 31st degree of north latitude and on a free port or ports below the same, provided such cession shall be unalterably insisted on by Spain, and provided the free navigation of the said river above the said degree of north latitude shall be acknowledged and guaranteed by his Catholic Majesty to the citizens of the United States in common with his own subjects. It is the order of Congress at the same time that you exert every possible effort to obtain from

⁶⁴ Journals of Cont. Congress (Ford Ed.), Oct. 4, 1780.

⁶⁵ Wharton, IV, 257.

⁶⁶ Madison Papers, Madison to Jones, Nov. 25, 1780, p. 65.

his Catholic Majesty the use of the river aforesaid with a free port or ports below the said 31st degree of north latitude for the citizens of the United States under such regulations and restrictions only as may be a necessary safeguard against illicit commerce.⁶⁷

Mr. Jay never received the letter from President Huntington, and the first news of the resolution reached him in a letter from Mr. Lovell, Secretary of the Committee of Foreign Affairs, May 18, 1781. In this letter from Mr. Lovell was a copy of the resolution, not authenticated, hence Mr. Jay was uncertain whether or not to regard it as an instruction to him.⁶⁸ The news however cleared up the mystery of the recent conduct of the Spanish Minister who had shown himself increasingly difficult to deal with.⁶⁹ Mr. Jay was now quite certain that the letter from President Huntington containing the resolution had been inspected by the Minister as well as by the French Ambassador at least two months earlier. The evidence of this was the apparent increased friendliness about that time, followed by a sudden notice, March 25, that the money necessary to meet bills of exchange due in April could not be advanced by Spain.⁷⁰

Since the previous refusal some advances had been made to meet these bills as they matured. There was even a definite promise of three millions of reals, (about \$150,000), and by March 30, 1781, \$49,880 of this, making 997,750 reals, had been paid.⁷¹ The refusal to continue these advances came on the application of Mr. Jay to enable Mr. Harrison, acting as Consul of the United States at Cadiz, to pay the commissioners in charge of sale of captured goods there the balance due on the clothing shipped to America. While Jay was given an order for the money for this purpose he was informed that the residue of the three millions of reals could not be paid for six months. His first impulse was to appeal again to France, but the Count de Montmorin advised

⁶⁷ Journals of Cont. Congress (Ford Ed.), Feb. 15, 1781.

⁶⁸ Wharton, IV, 739, Jay to President of Congress, Oct. 3, 1781.

⁶⁹ *Ibid.*, p. 739.

⁷⁰ *Ibid.*, p. 519, Carmichael to Franklin, June 26, 1781.

⁷¹ *Ibid.*, p. 341, Carmichael to Franklin, March 30, 1781.

another appeal to the Minister, who promised he would be responsible for a loan if it could be arranged. This was arranged through M. Cabarrus, but the arrangement led to complications later when Cabarrus proved an insistent creditor.⁷²

The temporary relief afforded by the loan of M. Cabarrus permitted Mr. Jay to take up again the question of a treaty. He had for some time been following the line of argument laid down by Congress in a letter of October 17, 1780,⁷³ giving reasons why the United States should have the free navigation of the Mississippi. The Spanish Minister insisted that the king considered the exclusive navigation of the Gulf of Mexico as the most important object to Spain and that his friendly conduct should have induced Congress to compliance with his desire. The letter from Mr. Lovell giving the news of the change of position on the part of Congress led Mr. Jay to seek and obtain a conference with the Minister the next day.

This conference followed the usual course, until Mr. Jay saw an opportunity to sound the Count on the subject of the Mississippi by observing "that even if a desire of gratifying his Majesty should ever incline Congress to yield to him a point so essential to their interest, yet it still remained a question whether new delays and obstacles to a treaty would not arise to postpone it." To this the Count replied that when Mr. Jay announced his authority to yield that point he could depend on him to be "explicit and candid."⁷⁴ There the matter was allowed to drop until four days later when Mr. Jay waited on the Count by appointment to discuss matters concerning M. Gardoqui's mission to America, since he was supposed to sail in June to succeed M. Miralles, deceased. At this time Mr. Jay told the Count that, while he had no official letter from Congress, his private correspondence led him to understand that Congress was ready to yield the

⁷² *Ibid.*, p. 336, Jay to Livingston, April 28, 1782.

⁷³ *Am. St. P., For. Rel.*, Oct. 17, 1780.

⁷⁴ Wharton, IV, 741, Jay to Pres. of Congress, Oct. 3, 1781.

navigation of the Mississippi south of their territories in return for a treaty of alliance with Spain. The Count asked to be informed when his public dispatches on this subject arrived, but incautiously remarked that these affairs could "with more facility be adjusted at a general peace than now," thus letting in a flood of light on Spanish reasons for delay.⁷⁵

The next move of the Spanish Court was to St. Ildefonso, in July, 1781, without further progress as to a treaty. The Minister was either too busy at this time with matters connected with the expedition fitting out at Cadiz under the Duc de Crillon or too indisposed to attend to such affairs. Just prior to his departure from Aranjuez, the Minister handed Mr. Jay dispatches recently brought by his courier from Cadiz. Among these was a letter of May 28, from the President of Congress, approving his course in the negotiations and giving briefly the resolutions of Congress of February 15, concluding with the hope that this would assure the treaty. This letter, as was usual in such cases, showed signs of having been opened, and Mr. Jay was certain its contents were known to the Spanish Minister. He made several efforts by letter to arrange an interview, but did not succeed until September 8, and then only for the purpose of introducing Major Franks.⁷⁶

The arrival of Major Franks, August 30, with dispatches from Robert Morris, now Superintendent of Finance for the United States, and from other sources, was quite an event. It was the first time Jay had received any letters he was certain had not been inspected by either the Spanish Minister or the French Ambassador.⁷⁷ Moreover, the curiosity aroused by the secrecy of these letters enabled Mr. Jay to press matters somewhat. The conference of September 8 was too brief for any mention of these affairs, but the Count promised to have M. Del Campo inform Mr. Jay when he was able to converse with him. In the meantime Major Franks was detained to carry back news of the results of further conferences.

⁷⁵ *Ibid.*, p. 746.

⁷⁶ *Ibid.*, p. 748.

⁷⁷ *Ibid.*, p. 751.

No word coming from M. Del Campo, Mr. Jay wrote to the French Ambassador enclosing a rather sharp letter he had prepared to send to Count de Florida Blanca on these delays.⁷⁸ The Count de Montmorin called that evening, and, assuring him that such delays were usual in Spain, urged him to write a shorter letter and one of milder tone. The next day this brief letter was sent to the Minister notifying him that Major Franks would leave the following Saturday and that Mr. Jay hoped to send news of a treaty by him. This led to an interview September 19, in which the Count regretted that his arduous labors and ill health had prevented giving attention to the matter of a treaty, and he promised the next Sunday to recommend to the king the appointment of a special person, conjectured by Carmichael to be Del Campo, to confer with Mr. Jay. As a preliminary to this he asked Mr. Jay to put in writing his propositions for a treaty and send them to him before Sunday.⁷⁹ Those propositions were hastily prepared and sent to the Minister, September 22, 1781, amplified in places by remarks. The longest remark was on Proposition VI, by which the United States relinquished navigation of the Mississippi below the 31st degree of north latitude. After reviewing the hopes of Congress in offering this concession Mr. Jay added: "The offer of this proposition, therefore, being dictated by these expectations and this combination of circumstances, must necessarily be limited by the duration of them, and consequently that if the acceptance of it should, together with the proposed alliance be postponed to a general peace, the United States will cease to consider themselves bound by any propositions or offers which he may now make in their behalf."⁸⁰ Mr. Jay was by no means sanguine of the success of this effort and, although informed by a letter from the Minister, September 27, that the proposition had been submitted to the king and instruc-

⁷⁸ Ibid., p. 756.

⁷⁹ Carmichael MSS., Carmichael to Committee of Foreign Affairs, Sept. 28, 1781.

⁸⁰ Wharton, IV, 761.

tions were being prepared for a person to converse with him, was compelled to endure further delays.

Messrs. Jay and Carmichael were quite sure that the person selected to negotiate with Mr. Jay was M. Del Campo,⁸¹ but it was three months later before official notice of this choice was given.⁸² Even then no steps were taken to discuss the propositions previously submitted by Jay. His every application was met with the statement that the instructions for Del Campo were not yet ready and the Minister too busy with pressing matters to attend to their preparation. To this was added a long drawn out illness of Del Campo which Mr. Jay was inclined to think largely feigned. Not knowing how soon he might be called to take his place on the Commission for negotiating a treaty with England, notification of his election to which had been brought by Major Franks, Jay was anxious to press matters to some conclusion. To this end he proposed to demand a categorical answer, believing that Spain would not venture to break with us. In this he was restrained by the Count de Montmorin who declared it too rash.⁸³ Another plan he considered was a consultation with Dr. Franklin and Mr. Adams, and for this purpose sought permission of Congress to go to France or Holland, which was refused.

The old annoyance of the bills of exchange drawn by Congress on Mr. Jay now rose again to plague him. M. Cabarrus had advanced nearly \$40,000 at this time, and, since his own government was badly in need of funds, his money was required in Spain.⁸⁴ The Count de Florida Blanca, on application of the French Ambassador,⁸⁵ agreed to do what the urgency of Spanish wants would allow, but could not promise to raise the sum needed. He did however promise to have instructions for M. Del Campo prepared in a few days that

⁸¹ *Ibid.*, IV, p. 769, Carmichael to Committee of Foreign Affairs, Oct. 5, 1781.

⁸² *Ibid.*, V, p. 51, Jay to John Adams, Dec. 15, 1781.

⁸³ *Ibid.*, V, pp. 150-151, Jay to Pres. of Congress, Feb. 6, 1782.

⁸⁴ *Ibid.*, V, p. 336, Jay to Livingston, April 28, 1782.

⁸⁵ Carmichael MSS., Carmichael to Livingston, Feb. 18, 1782.

Mr. Jay might confer with him on the proposed treaty.⁸⁶ A week later the Minister promised to pay the balance of the three millions of reals promised the preceding year,⁸⁷ and this was later done, but since this amounted to but \$26,000 and was already pledged to M. Cabarrus for his previous advances, the only remaining hope seemed to be in Dr. Franklin.⁸⁸ The day before Mr. Jay had agreed to pay the bills or allow them to go to protest, the French Ambassador made a personal appeal to the Count de Florida Blanca. That Minister agreed to repay in the next twelve months any advance M. Cabarrus would make to the amount of forty or fifty thousand dollars.⁸⁹ Mr. Jay accordingly sent Carmichael to M. Cabarrus to present the note authorizing this, and he returned with the news that M. Cabarrus had changed his offer so as to require payment in four months, instead of twelve, and in equal monthly payments, secured by orders on the rents of the general post office.⁹⁰ This conduct of M. Cabarrus apparently was inspired by Del Campo, with whom he had been observed in close conversation by Carmichael,⁹¹ who later found that the plight of Mr. Jay was the subject of their conversation. The discovery through the notary employed in this work that M. Cabarrus was the most insistent for payment of all the holders of bills,⁹² although pretending to wish to help him, convinced Mr. Jay of his duplicity, and he refused to employ him further, giving his business to Messrs. Drouillet.⁹³

The crisis was postponed still one more day, but finally the bills were allowed to go to protest on March 16.⁹⁴ In his statement attached to the bills he had accepted and now returned, Jay mentioned the fact that all the bills unpaid

⁸⁶ *Ibid.*, Feb. 18, 1782.

⁸⁷ *Ibid.*, Feb. 27, 1782.

⁸⁸ Wharton, V, 360, Jay to Franklin, March 1, 1782.

⁸⁹ *Ibid.*, p. 365, Jay to Livingston, April 28, 1782.

⁹⁰ Carmichael MSS., Carmichael to Livingston, April 14, 1782.

⁹¹ Wharton, V, 364, Jay to Livingston, April 28, 1782.

⁹² *Ibid.*, p. 366.

⁹³ *Ibid.*, p. 372.

⁹⁴ Carmichael MSS., Carmichael to Livingston, April 14, 1782.

amounted to less than twenty-five thousand pounds sterling.⁹⁵ The mention of this sum, apparently so trifling, as between nations, was made to show that Spain and France could not assert that Jay had been guilty of extravagance and hence refused the necessary advances. The protest created quite a stir, and Mr. Jay felt that all sympathy was with him. To the French Ambassador who seemed much hurt he remarked "that most of our cross accidents had proved useful to us, and that this might save us the Mississippi."⁹⁶ These bills as well as all advances by M. Cabarrus were soon paid in Paris by Dr. Franklin out of a new French loan of 6,000,000 livres, granted before Paris knew of Jay's plight.⁹⁷ Dr. Franklin in the letter notifying Mr. Jay of this loan and its use urged him to come to Paris either for his health or pleasure, as his constant residence at Madrid was no longer necessary, and that talk of a treaty was in the air and Jay the only other Commissioner available for service. In urging this step Franklin wrote, "Spain has taken four years to consider whether she should treat with us or not. Give her forty, and let us in the mean time mind our own business."

Dr. Franklin was not however above resorting to a trick to hasten the action of Spain. His letter to Jay announcing the new French loan of 6,000,000 francs was sent under cover to M. Cabarrus who delivered it to Mr. Jay. The letter was evidently meant for Spanish consumption and contained the following paragraph:

I congratulate you upon the change of sentiments in the British Nation. It has been intimated to me from thence that they are willing to make a separate peace with us exclusive of France, Spain and Holland, which, so far as it relates to France, is impossible; and I believe they will be content that we leave them the other two; but Holland is stepping towards us, and I am not without hopes of a second loan there. And since Spain does not think our friendship worth cultivating, I wish you would inform me of the whole sum we owe her that we may think of some means of paying it off speedily.⁹⁸

⁹⁵ Wharton, V, 367.

⁹⁶ *Ibid.*, p. 368.

⁹⁷ *Ibid.*, p. 369, Franklin to Jay, March 16, 1782.

⁹⁸ *Ibid.*, p. 369, Franklin to Jay, March 16, 1782.

No further progress was made in the direction of a treaty during Mr. Jay's residence in Spain. The cordiality of the Spanish Minister increased to the point of an invitation to Mr. Jay to bring Mr. Carmichael and dine with him every Saturday after the 11th of May. Since it was at this time that all Ministers were invited to his table, Mr. Jay regarded this as a belated form of recognition of himself and country, but politely declined the invitation. In commenting on this increased courtesy of the Minister, Mr. Jay observed:

We are at peace with Spain and she neither will nor indeed can, grant us a present subsidy. Why, then, should we be anxious for a treaty with her, or make sacrifices to purchase it? We cannot now treat with her on terms of equality; why, therefore, not postpone it? It would not, perhaps, be wise to break with her; but delay is in our power, and resentment ought to have no influence. Time would secure advantages to us which we should now be obliged to yield. Time is more friendly to young than to old nations, and the day will come when our strength will ensure our rights.⁹⁹

By resolution of April 30, 1782, Congress approved of the limit put by Jay to his proposition by which the United States yielded the navigation of the Mississippi below the 31st degree. They went even further in adding an instruction that he should urge on the Spanish Minister that their delay in making the treaty should be atoned for by more pecuniary aids to the United States, more facilities for use of the Mississippi to the citizens of the United States or "Peculiar indulgences in the commerce of the Spanish Colonies in America."¹⁰⁰ These instructions did not reach Jay in time for further action in Spain as he left for Paris about May 20, in response to the request of Dr. Franklin.¹⁰¹ The understanding then was that the negotiations were to be carried on at Paris with Count de Aranda, Spanish Ambassador to France, to whom the instructions intended for M. Del Campo were to be sent.

In his memorials addressed to the Spanish Minister asking

⁹⁹ Ibid., p. 373, Jay to Livingston, April 28, 1782.

¹⁰⁰ Ibid., pp. 380-381; Journals of Cont. Congress, (Ford Ed.), XXII, 219.

¹⁰¹ Wharton, V, 417, Jay to Livingston, May 14, 1782.

redress of grievances for American citizens Mr. Jay met with the same delays¹⁰² as in the questions of finance and a treaty. These were left unsettled¹⁰³ on his departure, and Carmichael, as acting *Chargé d'Affaires*, was supposed to press them to a conclusion. The claim of certain Americans who had captured a Dover cutter and carried it to the Canaries, where it was held at Teneriffe and not yet sold, was pressed by Jay, and action urged frequently by Lovell in line with a resolution of Congress of September 27, 1780.¹⁰⁴ The reports by Mr. Jay to the President of Congress, and later to the Secretary of Foreign Affairs, were so occupied with his tribulations over finances and a treaty as to exclude minor matters. In a letter of May 29, 1781, Mr. Jay told of his memorial on the subject of the Dover cutter presented in June the year before and of an unfulfilled promise to have the prize appraised and the value paid the captors.¹⁰⁵ This promise was still unfulfilled on his departure for Paris, and other claims equally disregarded.¹⁰⁶

Aside from Spanish dilatory tactics, and less French aid in his work in Spain than he had expected, Mr. Jay had, as another matter for agitation, English efforts to induce Spain to desert France and the United States.¹⁰⁷ These efforts were quite openly made. The first attempt was that of Sir John Dalrymple, retiring as British Minister to Portugal, who secured permission to travel through Spain and France en route to England, giving as a reason the delicate state of his wife's health.¹⁰⁸ He reached Madrid April 9, 1780, and lingered at Aranjuez long enough to present a memorial to Count de Florida Blanca entitled "A Project of Lord Rochford to prevent the War."¹⁰⁹ This project proposed a joint treaty

¹⁰² Carmichael MSS., Carmichael to Livingston, June 12, 1782.

¹⁰³ *Ibid.*

¹⁰⁴ Wharton, IV, 468, Lovell to Jay, June 4, 1781.

¹⁰⁵ *Ibid.*, p. 459, Jay to Pres. of Congress, May 29, 1781.

¹⁰⁶ Carmichael MSS., Carmichael to Livingston, June 12, 1782.

¹⁰⁷ Wharton, IV, 747, Jay to Pres. of Congress, Oct. 3, 1781.

¹⁰⁸ Carmichael MSS., Carmichael to Com. of Correspondence, May 28, 1780.

¹⁰⁹ Wharton, III, 727.

between France, Spain, Portugal and England, guaranteeing mutually their "possessions in America and the two Indies," granting commercial privileges in America to France, Spain and Portugal, and adjusting the "contested privileges of the Americans upon principles just and honorable for them." Sir John declared that his action was taken as an individual, but he believed it represented the sentiments of some of the Ministry, and he was willing to have a copy of the memorial transmitted to Dr. Franklin and to the Ministers of France. The Spanish Minister promptly communicated it to Mr. Jay and assured him of the firmness of the Spanish king. Sir John did not linger after he found his efforts unappreciated.¹¹⁰

In the month of June of the same year a certain Mr. Cumberland, one of the secretaries of Lord Germain of the British Ministry, sought and obtained permission to come to Madrid, ostensibly for his daughter's health, and served there as British Agent from June, 1780, to March, 1781.¹¹¹ The promise of Florida Blanca to communicate Cumberland's proposals as frankly as he had those of Sir John Dalrymple and the serenity of Count de Montmorin, the French Ambassador, who refused to doubt Spanish good faith, subdued the fears of Jay and Carmichael.¹¹² The exact proposals of Mr. Cumberland were never revealed. He asserted publicly that he was "authorized to offer Spain Gibraltar and other advantageous terms," but such speeches were apparently for public consumption only.¹¹³ Jay wrote to President Huntington that England, through Cumberland, and Spain were striving to deceive one another and neither having much success.¹¹⁴ Florida Blanca, although in September, 1780, he had told Jay the king had been offered all he could desire from England for a separate peace,¹¹⁵ informed him in conversation, early

¹¹⁰ Ibid., IV, p. 114, Jay to President of Congress, November 6, 1780.

¹¹¹ Carmichael MSS., Carmichael to Com. of Correspondence, July 17, 1780.

¹¹² Wharton, IV, 280, Carmichael to Franklin, March 12, 1781.

¹¹³ Carmichael MSS., Carmichael to Com. of Foreign Affairs, Dec. 19, 1780.

¹¹⁴ Wharton, IV, 113, Jay to Pres. of Congress, Nov. 6, 1780.

¹¹⁵ Carmichael MSS., Carmichael to Com. of Correspondence, Sept. 25, 1780.

in 1781, "that Britain had in vain attempted to deceive Spain; that Mr. Cumberland had been sent here for that express purpose."¹¹⁶ He added that they might defeat Spain but would never deceive her. One result of Cumberland's residence was the acquisition of valuable information for his government, and a second was the poisoning of some minds against the United States by his apparently confidential communications.¹¹⁷

During the two years and a half of Jay's residence in Spain, Carmichael not only did the secretarial work required of him uncomplainingly, but also wrote regular letters to the Committee of Correspondence of the Continental Congress before the appointment of Livingston as secretary for Foreign Affairs. His correspondence with Livingston was equally regular and of much value. The volume of his correspondence is shown by the fact that during this period he wrote twenty-seven letters to these agents of Congress giving in each such news of interest as was likely to affect the United States. During the same period Jay sent to the President of Congress and to Livingston only eleven letters and only seven of these were formal reports. To assure delivery of his letters Carmichael usually sent them in triplicate or quadruplicate.

As to matters treated in these letters they ranged from information on the treaty of Armed Neutrality proposed by the Russian Empress to the question of the accession of various nations, including Portugal, to that treaty; from offers of mediation on the part of Austria and Russia, and replies of Spain and France, to the details of the number and type of ships and number of troops sent against Minorca or on less extensive expeditions.¹¹⁸ He also referred frequently to Mr. Jay's efforts to secure a treaty and to secure money. Since these letters were usually read in Congress that body

¹¹⁶ Wharton, IV, 388, Jay to Pres. of Congress, April 25, 1781.

¹¹⁷ Carmichael MSS., Carmichael to Com. of Correspondence, Nov. 28, 1780; Wharton, IV, 378, Carmichael to Franklin, April 20, 1781.

¹¹⁸ Carmichael, MSS., Carmichael to Com. of Correspondence, Feb. 22, 1781, June 2, 1781, Sept. 28, 1781, Aug. 16, 78.

was kept in touch with the progress, or lack of progress, made in these negotiations more constantly than would have been the case had they depended entirely on Jay's voluminous but rare reports.¹¹⁹

Not only news of value but some very good advice frequently appeared in these letters. In March, 1781, when it had already appeared that every letter to Jay or Carmichael was opened and the contents known to both the Spanish Minister and the French Ambassador, Carmichael urged Congress to use couriers.¹²⁰ For this purpose he suggested young officers, many of whom were then unassigned, on half pay, and would doubtless be delighted at the opportunity. As early as November, 1780, he made a recommendation remarkably suggestive of the resolution of Congress of February 15, 1781, and also of Jay's reservation on Article VI of his propositions for a treaty, September 22, 1781. In a letter of November 28, 1780, to the Committee of Correspondence, Carmichael said: "Should the situation in America be in a worse state than I hope they are, and should Congress judge it necessary for their establishment to make further advances and sacrifices, permit me to take the liberty of observing that these offers should be accompanied with a proviso of this Court's avowing the independence of the States immediately, otherwise the offers should be considered as null, and no pretensions formed thereon in a treaty for a general peace."¹²¹ That these letters were of some value was attested by James Lovell, Secretary of the Committee of Correspondence, in the only letter Carmichael received during this whole period from anyone in authority at Philadelphia.¹²² In this letter Lovell writes, "Your several letters have been read in Congress, and your industrious care to give frequent, early and general information of those things in Europe which may have influence upon our national affairs has been

¹¹⁹ Wharton, IV, 506, Lovell to Carmichael, June 15, 1781.

¹²⁰ Carmichael MSS., Carmichael to Com. of Correspondence, March 4, 1781.

¹²¹ *Ibid.*, Nov. 28, 1780.

¹²² Wharton, IV, 506, Lovell to Carmichael, June 15, 1781.

not only pleasing in itself but has acquired value lately from the loss of all packets from Mr. Adams since his date of October 24." The testimony of Livingston, then Secretary for Foreign Affairs, is very similar. In reply to a letter from Carmichael, asking whether he should continue to write as before, Livingston wrote, "The Channels of Communication with this office are much too few to induce me to shut up one by which we receive the most frequent and important intelligence."¹²³

In June, 1782, the departure of Jay for Paris left Carmichael as Acting Chargé d'Affaires at Madrid. Nominally he was still subordinate to Mr. Jay, but the distance between them prevented any dictation, and, since the hope of financial aid in Spain was past and the treaty negotiations transferred to Paris, his duties were largely of a routine character. The only instance of friction between Mr. Jay and Carmichael was over the question of sending Carmichael to Corunna to settle a disagreement between Commodore Gillon of the privateer *South Carolina* and Mr. Searle, one of his passengers, who blamed him for leaving Holland without the ships he was supposed to convoy.¹²⁴ Carmichael objected to being sent on such a journey with discretionary powers, at a time when negotiations were to be resumed, and he ought to be at hand in case of need.¹²⁵ Mr. Jay did not press the matter and the dispute was amicably settled by the parties involved. Aside from this incident, their relations while in Spain were of the most friendly character.

¹²³ Ibid., V, p. 65, Livingston to Carmichael.

¹²⁴ Ibid., V, p. 341, Jay to Livingston, April 28, 1782.

¹²⁵ Carmichael MSS., Carmichael to Com. of Foreign Affairs, Oct. 5, 1781.

CHAPTER III

ACTING CHARGÉ D'AFFAIRES

The transfer of negotiations for a treaty to Paris, where, as Mr. Jay was led to believe, the Count de Aranda would have proper instructions, left little to be done in Madrid. Nominally Mr. Jay was still Carmichael's immediate superior, and as late as April, 1783,¹ he still planned to return to Madrid to resume negotiations. Poor health led him to first try the waters of Spa and Bath, and the call of home then proved too strong for him. From the time of his departure from Madrid, Carmichael was acting as Chargé d'Affaires, and later was formally received as such.

The duties of his position never having been defined, it is well to have his understanding of them in his own words: "As Mr. Jay is to negotiate with the Count d'Aranda at Paris on the proposed treaty, my business here is confined to the arrangement of the public accounts; and the payment of the bills still due, the collecting intelligence, and the solicitation of redress of the various complaints laid before the ministry in behalf of individuals."² Since no more definite instructions ever reached him as to his conduct either from Mr. Jay or from Congress, we are at liberty to assume that his guess was the correct one. Confirmation of this is found in a letter a year later from Robert Livingston, still Secretary for Foreign Affairs, in which he wrote: "I have no particular directions to give you with respect to your mission; your conduct is perfectly agreeable to Congress, and I doubt not that you will continue to pursue such a line as will render you most acceptable to the Court of Madrid."³

As his first duty Carmichael placed the arrangement of the public accounts and payment of bills still due. In doing this

¹ Wharton, VI, 388, Jay to Livingston, April 22, 1783.

² Carmichael MSS., Carmichael to Livingston, July 22, 1782.

³ Wharton, VI, 408, Livingston to Carmichael, May 7, 1783.

he had to await the presentation of the few bills drawn on Mr. Jay by Congress and still unpaid. These were finally paid through Messrs. Drouillet, selected by Mr. Jay to succeed M. Cabarrus as his financial agent at Madrid. The transmission of the statement of these accounts to Philadelphia, as Mr. Jay urgently requested, was delayed by various happenings. The first was the delay of M. Cabarrus in presenting his accounts for settlement.⁴ Since he was busily engaged at this time in organizing the Bank of San Carlos as a great national bank, he could use this as an excuse for delay.⁵ When all was apparently in readiness for a settlement, a mistake was found in the final account of Messrs. Drouillet, and this was not yet corrected in January, 1783.⁶ Any further delay is probably attributable to the visit of La Fayette to Madrid in February, and the excitement attending on the public reception of Carmichael as *Chargé d'Affaires* of the United States which took place August 23, 1783.⁷

Mr. Jay, while quite busily engaged in Paris, was very anxious to have the final settlement of his accounts in Spain. On May 30, and again on June 1, 1783, he wrote to Livingston of his uneasiness lest Carmichael should die or be recalled before such a settlement was made, and asking that he be ordered to Paris, where Mr. Barclay now had authority from Congress to examine and settle such accounts.⁸ In conformity with this request a resolution of Congress authorized Jay to summon Carmichael to Paris⁹ where the accounts were settled by Mr. Barclay in May 1784. The accounts were found to be in order, but some bills were twice paid due to the fact that acceptance was noted, and the bills returned to the holders to await a time when money was on hand for payment. The amount of these was not great, and such mistakes were

⁴ Carmichael MSS., Carmichael to Livingston, July 22, 1782.

⁵ *Ibid.*, June 12, 1782.

⁶ *Ibid.*, Jan. 18, 1783.

⁷ *Ibid.*, Aug. 30, 1783.

⁸ Wharton, VI, 464, Jay to Livingston, Aug. 30, 1783.

⁹ Journals of the Continental Congress (Ford Ed.), XXV, 757, October 29, 1783.

probable where bills were often returned to holders and kept for months before being paid.¹⁰

In collecting intelligence Carmichael followed the same plan as before of cultivating the acquaintance of Ministers, Chargés, and Secretaries, as well as Assistants to the various members of the Spanish Ministry. In this way he was able to transmit to Congress through Robert Livingston, and, later through Jay, his successor as Secretary for Foreign Affairs, useful news of matters in Spain and the Barbary States, as well as general news of Europe. The siege of Gibraltar, continuing during the early negotiations at Paris, was of especial interest, as its capture would have led to increased demands on the part of Spain. The details of the siege were carefully transcribed by Carmichael, and the great attack by "floating batteries" forwarded in the words of a Spanish officer participating in the battle.¹¹ The failure of this attack, early in September 1782, convinced Carmichael that the capture of Gibraltar was not probable, although the King of Spain was determined to continue the attempt.

From one of the first clerks of the treasury Carmichael had learned of the huge expense of the campaign against Gibraltar, already amounting to thirty-two millions of piasters of fifteen reals each (\$24,000,000). To stop the rapid depreciation of paper money, already off twelve to sixteen per cent., Spain resorted to loans of specie in Portugal and Holland.¹² In spite of the money secured from Portugal, at heavy interest, the depreciation continued. These financial difficulties hastened the organization of the projected Bank of San Carlos. Carmichael was admitted to a meeting of subscribers of this bank at which directors were chosen. The governor of the Council of Castile, M. de Campomanes, presided, and the Minister of Finance, M. Musquiz, was present. Since this bank was to furnish supplies for the army and navy, and

¹⁰ Wharton, VI, p. 816, Jay to Pres. of Congress, July 25, 1784.

¹¹ Carmichael MSS., Carmichael to Livingston, Sept. 29, 1782. (Inclosure translated).

¹² *Ibid.*, Carmichael to Livingston, Oct. 29, 1782.

give other financial backing to the government, the king made them an initial grant of thirty millions of reals in specie and as much in grain for the supply of the army and navy. The directors promised Carmichael to give America the preference in all articles it could furnish for the use of the marine service.¹³ The month of April, 1783, was set for the opening of the bank with a capital of over four million dollars.

In numerous letters throughout this period Carmichael gave detailed information of affairs in Europe, not even neglecting to tell of news reaching Madrid from Paris of the progress of negotiations there, although he had every reason to believe the Commissioners were themselves forwarding all necessary details. In a letter of December 10, 1782, he gave from memory, as he was not allowed to take a copy, the essential parts of the preliminary treaty between the United States and England, signed at Paris, November 30.¹⁴ This copy of the treaty in French had been shown him in confidence, and he now feared his situation would be more disagreeable than ever, as the treaty was far from what Spain desired. The resulting coolness in official quarters led him to make all necessary preparations for his departure, but he resolved to do nothing rashly, and on the advice of the Count de Montmorin, determined to await the result of a general pacification. He also resolved to refrain from addressing the Minister on any matter until further developments and held himself aloof from the Court.¹⁵

Such was the situation when the Marquis de La Fayette reached Cadiz early in 1783. He had come as a volunteer in an effort to stir Spain to some action in the matter of an agreement with the United States.¹⁶ Having conferred with Jay in Paris, his first commission was to hasten the action of Carmichael in forwarding the statement of the public account. As soon as he had reached Cadiz, he began a cor-

¹³ *Ibid.*, Dec. 30, 1782.

¹⁴ *Ibid.*, Dec. 10, 1782.

¹⁵ *Ibid.*, Dec. 30, 1782.

¹⁶ Wharton, VI, 578, La Fayette to Pres. of Congress, July 20, 1783.

respondence with Carmichael about these financial matters which led the latter to seek the advice of La Fayette as to his future conduct at Madrid. This advice La Fayette readily gave in a letter sent by the post and couched in language meant to reach the ear of the Spanish Ministry, as he well knew it would be opened and read by their agents. In the letter he compared the little Spain had done for the United States with the aid rendered by France, and concluded that they owed Spain nothing. He strongly urged Carmichael to leave Spain, unless treated with more consideration than in the past.¹⁷ Carmichael in reply urged La Fayette to come to Madrid for consultation, which he decided to do.

At Madrid, La Fayette found a cordial reception, and conferred with Florida Blanca several times. At these conferences the Minister assured La Fayette that "His Catholic Majesty desires that a lasting confidence and harmony may subsist between him and the United States, and he is determined on his part to do everything that will be necessary to keep it up."¹⁸ To show this to be his attitude, a promise was made that Carmichael was to be formally received as Chargé d'Affaires. As to a treaty between Spain and the United States, the mooted points were further discussed, and La Fayette requested a written statement of the Spanish position, which was sent him a few days later by Florida Blanca, and which read:

Sir: I can not comply better with your desire than by asking your leave to give you here my answer. You have perfectly well understood whatever I have had the honor to communicate to you with respect to our dispositions towards the United States. I shall only add that although it is his Majesty's intentions to abide for the present by the limits established by the treaty of the 30th of November, 1782, between the English and the Americans, yet the King intends to inform himself particularly whether it can be in any ways inconvenient or prejudicial to settle that affair amicably with the United States.¹⁹

¹⁷ Ibid., p. 238, La Fayette to Livingston, Feb. 5, 1783.

¹⁸ Ibid., p. 256, La Fayette to Florida Blanca, Feb. 19, 1783 (Translation.)

¹⁹ Ibid., p. 260, Florida Blanca to La Fayette, Feb. 22, 1783. (Translation.)

Although this letter was secured by La Fayette and the original kept for Mr. Jay to serve him in his negotiations,²⁰ that gentleman found Don Diego Gardoqui unmoved by it, as a definition of the Spanish limits. Mr. Jay did incorporate it in a report to Congress on the progress of the negotiations, but placed no emphasis on it.²¹ Mr. Jefferson, as Secretary of State in 1792, incorporated it in the instructions for Carmichael and Short, Commissioners at Madrid, as the clinching argument.²² They used this argument as directed, but Gardoqui was contemptuous of it.²³ At that time however, Florida Blanca was no longer principal minister, and his king was dead. The advantage of such a written statement to Jay, in 1786, when Florida Blanca was all powerful in Spain, should be readily apparent.

The other purpose of La Fayette was to secure Spanish acknowledgement of the independence of the United States. This he was unable to do in set terms, but he did secure a promise that Mr. Carmichael would be formally received at the Spanish Court as *Chargé d'Affaires* of the United States. The formalities of this reception began with an invitation to Carmichael to dine with the "Corps diplomatique at the Count de Florida Blanca's table."²⁴ This he did in company with La Fayette, February 22, 1783.

Formal presentation to the king and other members of the royal family was long delayed. The reason assigned for the postponement was the fear that, if precedent were broken in this case, it would lead to demands for similar action in other cases. The established precedent was to present no *Chargés d'Affaires* to the king and royal family except those from France and Austria. The situation was rendered more delicate by the demands of Mr. Elfried representing Denmark,

²⁰ *Ibid.*, p. 269, La Fayette to Livingston, March 2, 1783.

²¹ *Diplomatic Correspondence, 1783-1789*, V, 180, Jay's Report to Congress.

²² *Am. St. Papers, For. Rel.*, I, 256, March 18, 1792.

²³ *Ibid.*, p. 259, Carmichael and Short to Secretary of State, April 18, 1793.

²⁴ Wharton, VI, 294, Carmichael to Livingston, March 13, 1783.

as Chargé d'Affaires, that he be presented formally to the king. The Count de Florida Blanca cited these demands and his fear lest the Russian and Swedish Ministers, both retiring shortly, should demand the same for their Secretaries.²⁵ In August, Carmichael asked for a decision with the reasons for not presenting him in writing. The news that a British Minister was on his way to Madrid led to further insistence, and, when the Count again referred to precedent, Carmichael urged his own wish to create a precedent for the reception of representatives of the United States who should follow him. The day after this last conference at San Ildefonso the Count notified Carmichael that the presentation had been set for August 23.²⁶

On the day appointed Carmichael repaired to Florida Blanca's house, where the Minister received him politely, and sent his servant to guide him in calling on the principal officers and ladies of the palace. This duty performed he repaired to the king's apartments, where Florida Blanca had arranged to meet him. As soon as the king arose from table the Minister presented Carmichael as Chargé d'Affaires of the United States. With a brief interchange of compliments the presentation ended. For several days Florida Blanca spent the better part of an hour accompanying Carmichael and presenting him to the Prince of Asturias, and to other members of the royal family who dined apart. In giving the details of these visits, Carmichael wrote: "It perhaps may be thought that I have dwelt too long on these minute details, but I hope I shall be excused when it is considered that this is the first presentation of a servant of the States at this Court, and that it has already made some noise among the Corps diplomatique, who think themselves entitled to the same privilege which I have obtained."²⁷

This formal reception was a high spot in Carmichael's career in Spain. It brought him into close contact with the

²⁵ Ibid., p. 259, Carmichael to Livingston, Feb. 21, 1783.

²⁶ Ibid., p. 663, Carmichael to Livingston, Aug. 30, 1783.

²⁷ Carmichael MSS., Carmichael to Livingston, Aug. 30, 1783.

Count de Florida Blanca, and the friendship formed at that time continued throughout his life in Spain. Many witnesses testify to the personal attachment the Minister ever bore to Carmichael. It was this supposed favoritism which led Jefferson to aver in a letter to Madison, written from Paris, January 30, 1787, giving an otherwise uncomplimentary opinion of Carmichael: "Many persons of different nations coming from Madrid to Paris all speak of him as in high esteem and I think it certain that he has more of the Count de Florida Blanca's friendship than any diplomatic character at that Court. As long as this Minister is in office Carmichael can do more than any other person who could be sent there."²⁸

On every favorable occasion, prior to the arrival of La Fayette, Carmichael had pressed for action on memorials presented by Mr. Jay covering claims of American citizens. These were of two kinds: first, claims for money by American captors of English prizes brought into Spanish ports, with sale held up by Spanish authorities; secondly, claims of American citizens for damages on account of infringement of their commercial privileges by Spanish colonial officials at Havana. The two cases of the first type were those of the *Lord Howe*, held at Cadiz, and the *Dover Cutter* held at Teneriffe, in the Canaries.²⁹ Oral representations, begun as soon as Mr. Jay had departed, had scant result, and the only comfort for Carmichael was that all the foreign diplomats at the Spanish Court suffered in like manner.³⁰ On one occasion he saw eighty memorials of a minister whose country was more in touch with Spain than his own, few of which were answered. In some cases promises of redress were given, but performance failed to keep step with the promises.³¹

After some months of vain representations Carmichael resolved to press the case of the *Lord Howe*, recently brought into Cadiz by part of its crew made up of impressed Ameri-

²⁸ Jefferson MSS., Jefferson to Madison, Jan. 30, 1787.

²⁹ Wharton, V, 710, Carmichael to Livingston, Sept. 8, 1782.

³⁰ Ibid., p. 307, Carmichael to Livingston, April 14, 1782.

³¹ Ibid., p. 611, Carmichael to Livingston, July 22, 1782.

cans. This vessel was held in detention by orders of the Admiralty and the crew treated as prisoners. In conference with Florida Blanca, Carmichael represented the injustice of detaining the crew and withholding from them the property granted them by a positive resolution of Congress.³² His pleas in this case were successful, and he was informed in a letter from Florida Blanca, October 14, 1782, that the *Lord Howe* was to be publicly sold with its cargo and the value deposited at the order of Congress and of Carmichael.³³ The sale was attended to by Mr. Harrison acting as Consul for the United States at Cadiz, and the success in this case encouraged Carmichael to press other claims vigorously.³⁴

A new cause of complaint had recently arisen in the exaction of duties of twenty per cent. on goods shipped in foreign vessels from the West Indies. Many American vessels were engaged in this trade, and Mr. Harrison wrote to Carmichael complaining of the duties. Carmichael strove to convince not only Florida Blanca, but the ministers of finance and the Indies, that such impositions were both unjust and impolitic.³⁵ While awaiting a decision as to abolition or decrease of such duties, Carmichael advised Harrison and others "to make no payments on the pretext that the affair is before the Ministry," for refunding he knew was contrary to the spirit of the country.³⁶ Before the end of that year the ministry agreed to diminish a third part of the duties demanded and up to that time Mr. Harrison had paid no duties at Cadiz.³⁷

Such was the situation when La Fayette arrived and accomplished so much in his brief sojourn of not more than one week. The way had been well prepared during his stay at Cadiz by the letters of Carmichael and the replies to them

³² Carmichael MSS., Carmichael to Livingston, Sept. 8, 1782.

³³ Ibid., Florida Blanca to Carmichael, Oct. 14, 1782. (Translation.)

³⁴ Ibid., Carmichael to Livingston, Oct. 29, 1782.

³⁵ Ibid., Carmichael to Livingston, Sept. 8, 1782.

³⁶ Ibid., Carmichael to Livingston, Sept. 8, 1782.

³⁷ Ibid., Carmichael to Livingston, Dec. 30, 1782.

insinuating that the time had come for him to leave Spain unless formal recognition of him and of his country was made. The news of the signing of the provisional treaty with England had led the envoys of nearly all European countries resident at Madrid to visit Carmichael, congratulate him, and, in many cases, ask what arrangements for the exchange of ministers would be made by the United States. While Carmichael was not authorized to discuss any such arrangements, he did offer to convey any requests for such information to Congress. This led to applications on the part of Denmark, Prussia, Sweden, and Saxony looking to a commercial treaty, but the first three countries transferred negotiations to Paris, much to the chagrin of their representatives at Madrid.³⁸ The Elector of Saxony, at Carmichael's suggestion, selected M. Philip Thieriot, a Saxon merchant, then resident in Bordeaux, France, to serve as commercial agent in Philadelphia.³⁹

These evidences of the growing importance of the United States in the eyes of other powers doubtless influenced the conduct of Spain. It was evident, since England had recognized their independence, that Spain must take some action. The action resolved on was to send a successor to M. Miralles, now some years in his grave, and in order to secure him a favorable reception, the public reception of Carmichael as *Chargé d'Affaires* was resolved on and carried through. Immediately after the formalities of this reception were over, Carmichael waited on Florida Blanca and urged the sending of a minister to the United States.⁴⁰ He was later informed that the king had chosen the Chevalier Musquiz, son of the Count de Quosa, Minister of Finance, a young man twenty-four years of age, then in training at London. This appointment was later changed, and Don Diego Gardoqui was sent in his place.⁴¹

³⁸ Ibid., Carmichael to Livingston, Dec. 30, 1782.

³⁹ Wharton, VI, 609, Gorsdorff (Saxon Minister in Spain) to Carmichael, July 28, 1783. (Translation).

⁴⁰ Ibid., p. 667, Carmichael to Livingston, Aug. 30, 1783.

⁴¹ Carmichael MSS., Carmichael to Livingston, Oct. 12, 1784.

The year intervening between the reception of Carmichael at the Spanish Court and the dispatch of Gardoqui to America was a lean one, if volume of correspondence indicates anything. This was partly due to Carmichael's journey to Paris to settle accounts. Only one letter apparently exists, that from Carmichael to Franklin, February 27, 1784, which showed him still carrying out his self given instructions. He had secured a promise from Florida Blanca to release Mr. Jonas Hartwell, an American merchant arrested, and secretly kept a prisoner by the Spanish Inquisition for open criticism of their religion. This release was conditioned on Mr. Hartwell's promise to leave Spain, a condition fixed by the confessor and inquisitor general.⁴²

On information of the capture of an American vessel by a Corsair of Morocco, October 1, 1783, Carmichael had requested the French Chargé d'Affaires, in accordance with the eighth article of the treaty, to write to the French Consul in Morocco to use his good offices to secure the release of the vessel and crew, and persuade the Emperor of Morocco to suspend further hostilities until Congress could take action for a treaty. He went even further and suggested the same course to Florida Blanca, who expressed himself as ready to serve but asked for a formal note on the subject.⁴³ He was as good as his word, and his instructions to the Spanish Consul at Morocco led to the release of prisoners and the surrender of the ship, which had to be abandoned as unfit for service.⁴⁴ Since a request for their release had already been made by the Dutch Consul, acting on the advice of the Dutch minister at Madrid,⁴⁵ and peremptorily refused, it was evident that Spanish aid availed much in Morocco.

Carmichael presented memorials on complaints of Americans in Havana accompanied by letters of the complainants. The Count de Florida Blanca later assured him that the

⁴² Wharton, VI, 781, Carmichael to Franklin, Feb. 27, 1784.

⁴³ Ibid.

⁴⁴ Carmichael MSS., Harrison to Carmichael (inclosure), in Carmichael to Jay, July 25, 1785.

⁴⁵ Ibid., Webster Blount to Carmichael (inclosure), in Carmichael to Jay, July 25, 1785.

king had directed that the lieutenant governor of Havana be reprimanded.⁴⁶ That official was soon recalled and disgraced.⁴⁷ A further promise was made that the aggrieved parties would receive justice. For one of them, a Mr. Pollock, Carmichael secured an order on the treasury at Havana, but when the order was presented the treasury was empty.⁴⁸ The new governor, Don Bernardo de Galvez, who accompanied Gardoqui as far as Havana, released imprisoned Americans and complaints were stilled.⁴⁹

The signing of the definitive treaty of Paris between England and the United States, September, 1783, followed by the return of Jay to the United States, led to the sending of Gardoqui, already long contemplated, to reside at Philadelphia. He was given the title of Encargado de Negocios (Chargé d'Affaires), to conform to the title borne by Carmichael since Jay's departure, and was given instructions to negotiate a treaty. Carmichael wrote the President of Congress, October 12, 1784, notifying him of Gardoqui's departure for Cadiz, en route to America. Inclosed in the letter was a copy of one to Carmichael from Florida Blanca explaining the mission of Gardoqui, and a copy of a note Carmichael had seen from Florida Blanca to Count de Galvez. This note requested Galvez to prepare instructions for Gardoqui on the navigation of the Mississippi and the regulation of boundaries. This latter note seemed to Carmichael so important that he sent it out of Spain by a courier, bound on a commercial project, to France. In conversation with Don Joseph de Galvez, with his nephew the Governor of Havana, and with Gardoqui, Carmichael had been told that the question of navigation of the Mississippi was not a subject for discussion, but the language of this note contradicted such assertions.⁵⁰

⁴⁶ Wharton, VI, 781, Carmichael to Franklin, Feb. 27, 1784.

⁴⁷ Carmichael MSS., Carmichael to Jay, Sept. 2, 1786.

⁴⁸ Ibid., May 16, 1789.

⁴⁹ Dipl. Cor., VI, 299, Jay to Florida Blanca (through Carmichael), Sept. 21, 1785.

⁵⁰ Carmichael MSS., Carmichael to Pres. of Congress, Oct. 12, 1784, (inclosures).

It was not until after the departure of Gardoqui, and then by a private channel, that Carmichael learned of the arrival of Jefferson in Paris to join Adams and Franklin as Ministers Plenipotentiary for negotiating commercial treaties with the nations of Europe and the Barbary States.⁵¹ Immediately he opened a correspondence with Jefferson, writing of his regret that he had not been informed of this new departure earlier. He felt that Gardoqui would then have been commissioned as a mere Chargé d'Affaires, and the negotiations for a treaty handled by the commissioners at Paris.⁵² Jefferson replied in a short time, and a correspondence between the two men continued, at frequent intervals, from November 1784 to September 1789, just prior to Jefferson's departure for the United States.

This correspondence with Jefferson, whom Carmichael had never seen,⁵³ and was destined never to see, served a double purpose. First, it kept both men informed of many things of importance to them in their public capacity. Secondly, it gave Carmichael an opportunity to send news to Congress which, due to the lack of a cipher and the Spanish habit of opening his letters, he otherwise would not have dared to write.⁵⁴ The information he received from Jefferson on developments in the United States was quite full, and was particularly welcome to Carmichael, since he was kept in the dark as to the negotiations between Gardoqui and John Jay, now Secretary for Foreign Affairs, and since he received few letters from Jay, and these usually brief communications dealing with some new claim to be pressed on the Spanish Minister. The second purpose was served as Carmichael was able to send his letters to Jefferson by French couriers with the request that Jefferson forward them to Congress for its information.⁵⁵ This Jefferson did, and Jay had those he deemed important read in Congress.

⁵¹ Jefferson MSS., Carmichael to Jefferson, Nov. 25, 1784.

⁵² Ibid., April 5, 1785.

⁵³ Ibid., Oct. 15, 1787.

⁵⁴ Carmichael MSS., Carmichael to Jay, Sept. 2, 1786, and Sept. 10, 1786.

⁵⁵ Jefferson MSS., Carmichael to Jefferson, Sept. 2, 1785.

During the years 1783 and 1784 Carmichael had no letter from Congress nor from its Secretary for Foreign Affairs. His only sources of information were packets of newspapers sent by the Secretary, costing Carmichael from eight to sixteen dollars a packet for delivery, plus private letters and the letters from Jefferson.⁵⁶ This apparent neglect by his government rendered his position more and more difficult. Such information as he had of the Jay-Gardoqui negotiations was acquired from the Spanish Ministry. Don Miguel Otamendi, successor to M. Del Campo as first assistant to Florida Blanca, and charged with American affairs, was a friendly informant in these matters.⁵⁷ The letters from Jay as Secretary for Foreign Affairs from 1785 to 1789 were quite brief and as rare as were those from Carmichael in return, numbering not more than fifteen for the five years. The Count de Florida Blanca in 1788 sent regular packet boats to New York, to keep in touch with Gardoqui and offered their services to Carmichael, but, due to Spanish habits of inquisition into such letters, he preferred to trust to Jefferson as a channel for regular communication. The lack of a cipher for communicating with Jay rendered this the more necessary.⁵⁸

During the years between the close of the Revolution and the inauguration of government under the Constitution, Carmichael occupied a position far from enviable. For over five years he received no pay until, on advice of Dr. Franklin, he drew on M. Grand, the banker representing the United States in Paris, for £5193 7s. At the same time he drew on M. Grand for the sum necessary to pay the final group of bills drawn on Mr. Jay by order of Congress.⁵⁹ Up to this time his expenses had been quite heavy, due to periodical changes of residence on the part of the royal household and high rents resulting from the growing number of persons about the

⁵⁶ Carmichael MSS., Carmichael to Jay, Sept. 10, 1786; Jefferson MSS., Carmichael to Jefferson, Dec. 17, 1785.

⁵⁷ Jefferson MSS., Carmichael to Jefferson, Jan. 29, 1788.

⁵⁸ Carmichael MSS., Carmichael to Jay, June 29, 1788.

⁵⁹ *Ibid.*, Carmichael to Franklin, April 15, 1785.

Court.⁶⁰ Additional items now appeared, due to two marriages between the Spanish and Portuguese royalty, as diplomatic officers were expected to give liberally to servants at that time. In a letter to Jefferson he wrote, "Étrennes each year do not cost me less than 20 Pistoles which are not expected as a favor but exacted as debts." His trip to Paris cost him £258 8s. sterling. He had no allowance for stationery, quills and postage, and was to receive no reimbursement for them. To his financial distress was added the feeling that he was neglected by his superiors at Philadelphia.⁶¹ He was given no part in the negotiations carried on with Spain, and was continually pressed to urge settlement of petty claims on a government swamped with claims of its own citizens and those of France,⁶² and which was not any too well pleased with the conduct of the United States at that time.

The only work of any importance which Carmichael could forward, aside from preserving friendly relations with the Spanish Ministry, was the conciliation of the Barbary powers. The first of these to interfere with our commerce was Morocco, in the case of the brig *Betsey*. The release of the crew in July, 1785, after about sixteen months as slaves, has been previously described. The long delay was due to the expectation on the part of the Emperor of Morocco, who seems to have been much more humane than the usual ruler of the Barbary States, that an American representative was on the way to treat with him. The efficacious intercession of Don Salinas, Spanish Minister to Morocco, acting on instructions of Florida Blanca at Carmichael's request, secured the delivery of this crew to Mr. Harrison at Cadiz.⁶³ The good offices of the Spanish Court went unnoticed for years by Congress, and the only thanks given them came from Carmichael, and later, through him, from Jefferson.

⁶⁰ Ibid., Carmichael to Jay, July 15, 1786.

⁶¹ Jefferson MSS., Carmichael to Jefferson, Dec. 17, 1785.

⁶² Carmichael MSS., Carmichael to Jay, Sept. 2, 1786.

⁶³ Ibid., Webster Blount, "Dutch Consul at Morocco," to Carmichael (inclosure), in Carmichael to Jay, July 25, 1785; Harrison to Carmichael (inclosure No. 4.)

The delivery of these men was accompanied by a warning from Salinas that unless treaties were quickly made by the United States with the Barbary powers more captures would follow. He anticipated trouble from Algiers, rather than Morocco, since a truce with Spain, pending a treaty, released the Algerine corsairs for further piracies.⁶⁴ In fact, the Algerine cruisers were reported to have already captured thirteen Portuguese vessels. The only security for American vessels was to stay out of the Mediterranean as the Algerine corsairs seldom passed the Straits of Gibraltar.

Just a few months before the liberation of the captives by the Emperor of Morocco, Jefferson had written to Carmichael requesting information as to the naval strength of the Barbary powers, and the presents and tribute usually sent them. As to their naval strength, Carmichael secured and sent to Jefferson what he believed to be an accurate report from a Spanish priest of the order of the Mathurins.⁶⁵ This order had charge of the ransom of captives from the pirates, and hence had access to these countries denied to others. The requested list of payments of tribute was not sent until April, and showed that considerable money would be needed. Carmichael advised a display of naval strength and added, "This country and the States of Italy, I presume, would not be displeased to see an armed force of the States in the Mediterranean."⁶⁶ At the same time he was corresponding with officials in Morocco urging cessation of hostilities until negotiation of a treaty. He assured Jefferson that Spain would use its "good offices" in such negotiations.

Matters were at a standstill until Jefferson received word of the appointment of Lamb, of Connecticut, by Congress as Consul to Morocco. He was sent to the Commissioners in Paris for instructions, and Jay, in notifying them of his appointment, sent Adams a resolution of Congress for "an amicable treaty with the Barbary Powers in the usual

⁶⁴ Ibid., Harrison to Carmichael (inclosure No. 4).

⁶⁵ Jefferson MSS., Carmichael to Jefferson, March 29, 1785.

⁶⁶ Ibid., Carmichael to Jefferson, April 4, 1785.

way.”⁶⁷ The only difficulty now in the way was the where-withal to undertake the “usual way,” as the Commissioners were limited as to expense. Jefferson, while awaiting the arrival of Lamb, authorized Carmichael to promise the Barbary powers that negotiations were at hand.⁶⁸

Before any further news came from Paris, Carmichael learned of the release of Captain Erwin and his ten men by Morocco, July 9, and of their arrival at Cadiz.⁶⁹ In returning thanks to the Count de Florida Blanca, he assured him that he would inform Congress immediately, and that Mr. Harrison would send them by the first opportunity to America, “where they may be so many living witnesses of the effectual interference of his Majesty in behalf of their country.”⁷⁰ This Spanish aid was all the more noteworthy, since they were themselves at war with Algiers, and negotiations for peace were meeting with obstacles. Unfortunately, although Carmichael kept his promise and sent Mr. Jay an account of the Spanish efforts and their success, Mr. Jay was not able to submit it to Congress, as a quorum was lacking throughout the year.⁷¹ This apparent discourtesy could not but affect unfavorably such a punctilious court as that of Spain.

In September, 1785, with Algerine deputies, and Count d'Expilly, a Frenchman in Spanish service, as a negotiator, on their way to sign the completed treaty, Carmichael gave up hope of Spanish aid in a war on the pirates. This was a blow all the more severe since he had just heard of the capture of five (later reduced to two) American vessels by the Algerine cruisers. He regretted the delay of Congress and their “ill-timed attention to parsimony.” Again he appealed to Spain for her “good offices,” although without instructions, and certainly with scant hope of success, since Spain was still

⁶⁷ Ibid., Jefferson to Carmichael, June 22, 1785.

⁶⁸ Ibid.

⁶⁹ Dipl. Cor., VI, 295, Florida Blanca to Carmichael, July 24, 1785. (Translation).

⁷⁰ Jefferson MSS, Carmichael to Florida Blanca, July 25, 1785.

⁷¹ Dipl. Cor., VI, 303, Jay to Carmichael, March 14, 1786.

nominally at war with Algiers.⁷² He now let Jefferson know that he was willing to serve in Africa, and promised helpful letters to any agent chosen. Until more definite action was required of him, he continued to make known our desire for Spanish aid in negotiations, and to receive assurances of Spain's good intentions.⁷³

The ministers plenipotentiary, Jefferson in Paris and Adams in London, had agreed to send Lamb, with Randall as his secretary, to Algiers, and Barclay, with Franks as his secretary, to Morocco. On applying to the Count de Aranda, Spanish Ambassador at Paris, for passports for them, Jefferson was informed that such passports must come from Madrid.⁷⁴ He immediately wrote Carmichael to this effect, and requested him to secure such passports and forward those of Barclay and Franks and their servants to Bayonne that they might lose no time. Jefferson also informed him that Lamb was coming to Madrid merely to get such information as Carmichael could give. With reference to Carmichael's offer to go to Africa as negotiator, Jefferson assured him that it came too late to change their plans, but he felt that Carmichael occupied a "post equally important with those which prevented our acting personally in the same business."⁷⁵ The notification that Lamb carried a cipher for him, copies of which were in the hands of Adams, Jay, Jefferson, and Barclay, seemed to promise the fulfillment of a desire frequently expressed by Carmichael in the past five years.

Before the arrival of Lamb at Madrid, news came that the Algerine cruisers had passed out into the Atlantic, and Carmichael feared the worst. However, he learned at the same time that a Portuguese squadron was in pursuit and Maltese vessels were after them.⁷⁶ No news of any further captures

⁷² Jefferson MSS., Carmichael to Jefferson, Sept. 2, 1785, Sept. 29, 1785.

⁷³ Ibid., Carmichael to Jefferson, Oct. 24, 1785.

⁷⁴ Ibid., Jefferson to Carmichael, Nov. 4, 1785.

⁷⁵ Ibid., Jefferson to Carmichael, Oct. 25, 1785.

⁷⁶ Ibid., Carmichael to Jefferson, Nov. 6, 1785.

came before the arrival of Lamb and Randall early in December. Lamb brought a letter from Jefferson to Carmichael, but did not have the promised cipher. He finally recollected that Barclay was to bring the cipher. Carmichael told Lamb all he knew of the Spanish negotiations in Algiers. The Count d'Expilly now returned to Algiers, had assured him that their treaty only awaited a reply to Spain's request that Naples and Portugal be made parties to it. The Count, who had shown great kindness to the American captives in Algiers, had promised to do what he could to promote American interests there.⁷⁷

Mr. Lamb was quite anxious to proceed to Algiers. His further progress however was dependent on Spanish aid, and this was not immediately forthcoming.⁷⁸ When Carmichael finally secured an interview with Florida Blanca, the latter urged that Mr. Lamb wait in Madrid until the Spanish treaty was signed.⁷⁹ He then promised, on completion of this treaty, to aid the United States in securing treaties with all the Barbary States. Lamb agreed to wait but soon grew impatient, and Carmichael again conferred with the Minister. He was assured that no word had come from Count d'Expilly and that a great difficulty stood in the way of our treaty with Algiers, in that we had no treaty with the Porte. Carmichael urged the necessity for a treaty before the Algerine cruisers made further attacks on our vessels and the need for Lamb to make an early report of progress to Congress. He argued the injury to Spanish and American trade relations, but could secure only the promise that "the day after their own affairs should be arranged with Algiers his Catholic Majesty would employ all his influence to facilitate our accommodation."⁸⁰ Florida Blanca promised, however, to have passports prepared for Lamb and Randall.

Randall left Madrid for Barcelona, January 26, 1786, and

⁷⁷ Ibid., Carmichael to Jefferson, Feb. 3, 1786.

⁷⁸ Ibid., Carmichael to Jay, Dec. 9, 1785.

⁷⁹ Jefferson MSS., Carmichael to Jefferson, Feb. 3, 1786.

⁸⁰ Ibid., Carmichael to Jefferson and Adams, Feb. 3, 1786.

Lamb followed, February 1, armed with Spanish passports and a letter from Florida Blanca to Count de Assalto, Captain General of Catalonia, to speed him on his way. Carmichael established a credit for Lamb in Madrid, procured him bills on Barcelona for the amount of money he desired, and gave him a letter of recommendation to Count d'Expilly. The report that the Spanish treaty with Algiers would cost them \$1,500,000 was received before Lamb's departure and appeared to be authentic. A second report of interest was that Algiers, as soon as peace was made with Spain, Naples, and Portugal, meant to declare war on "Denmark, Venice and perhaps the Dutch."⁸¹

Before Barclay's arrival at Madrid, Carmichael received word that the Emperor of Morocco was surprised at the neglect shown him by the United States.⁸² After Barclay had reached Madrid, early in March, 1786, he lingered for about two months. He reached Cadiz, May 9, carrying letters from the king of Spain to the Emperor of Morocco, recommending his mission and giving reasons why it was best to negotiate in Morocco rather than in Spain, as the Emperor had desired. He also had a letter from the Count de Florida Blanca to General O'Reilly, Captain General of Andalusia, one to the Spanish Consul General at Morocco, and another to one of the Spanish Mathurins at Mequinez. He was well pleased with Spanish attentions and wrote to Adams in London, "In short I have the greatest reason to be pleased with the part this Court has taken in the affair which I think reflects much honor on Mr. Carmichael's influence and attention."⁸³ Even at this early date, Barclay was confident of the success of his mission and offered his services in Tunis and Tripoli.

Lamb, having purchased a Spanish vessel of fifty tons, had sailed from Barcelona, March 11, under the Spanish flag. He arrived safely in Algiers and soon found that difficulties

⁸¹Ibid., Carmichael to Jefferson and Adams, Feb. 3, 1786.

⁸²Ibid., Carmichael to Jefferson, Feb. 4, 1786.

⁸³Ibid., Barclay to Adams, March 27, 1786.

in the negotiation of a treaty there were insurmountable. In two weeks time he dispatched Randall, by way of Madrid, to Paris and London, to convey his findings to Jefferson and Adams.⁸⁴ Randall was detained at Alicant by a quarantine against the plague then raging in Algiers. From this situation he was released, through the efforts of Carmichael, and proceeded to Madrid.⁸⁵ From Alicant he dispatched to Adams and Jefferson a long report on the situation in Algiers.⁸⁶ This report presaged the failure of Lamb's mission, since the Dey, although giving him audience, refused to talk of a treaty. The twenty-one captives from the American vessels, only eight of them American born, were then at liberty in the care of Count d'Expilly, who had made himself responsible for them and advanced money for their maintenance, at Carmichael's request.

Mr. Lamb, now in Algiers, while Barclay still lingered at Madrid, had three interviews with the Dey during the month of April and one with his principal minister. Both refused to talk of peace, but did discuss the ransom of the captives.⁸⁷ To Lamb's thrifty spirit the price set on these unfortunate men seemed exorbitant, ranging from \$6,000 on each of the three captains to \$1,400 for each sailor. The total was \$53,600, and the usual 11 per cent. added "according to custom," brought this to \$59,496. As this was \$20,000 in excess of the amount of money Lamb had been allowed to pay for ransom and a treaty, he had no recourse but to get further instructions. The principal minister of the Dey advised him to return to Spain until the Spanish treaty was out of the way, and hinted that the price set on the Americans was high in order to allow Algiers to demand a larger ransom price for the eleven hundred Spanish held captive. This minister also told Lamb that they were in no way dependent on the Porte, although the Count d'Expilly insisted that the

⁸⁴ *Ibid.*, Statement of Lamb, signed at Algiers, March 28, 1786.

⁸⁵ *Ibid.*, Barclay to Jefferson, April 10, 1786.

⁸⁶ *Ibid.*, Randall to Jefferson, April 2, 1786.

⁸⁷ *Ibid.*, Lamb to Adams and Jefferson, May 20, 1786.

Dey had stated publicly in his divan the day before Lamb's arrival that he would not treat of peace with any power which did not have a treaty with "la Sublime Porte."

Lamb reached Alicant, April 24, having been little over a month in Algiers.⁸⁸ He felt that the Count d'Expilly had not given him such aid as he should have done in view of the letter from Florida Blanca to him, secured by Carmichael.⁸⁹ The Count certainly regretted his arrival, and wrote Carmichael to that effect,⁹⁰ but his own difficulties in completing negotiations stood in the way of effective aid to Lamb. On his release from quarantine Lamb set out for Madrid, and found the Court had departed for Aranjuez. He wrote to Carmichael, with whom Randall was domiciled until his health permitted a continuation of his journey, and, telling of his financial needs, declared his intention of returning to Alicant. At Carmichael's request he went first to Aranjuez, rendered his report in writing to Jefferson and Adams, and returned to Alicant to await orders.⁹¹

When this report of Lamb's mission reached Jefferson he had already received the copy of Count d'Expilly's letter urging a treaty with Turkey, and had just returned from London where he had convincing evidence of the avarice of the Barbary powers.⁹² An agent of Tunis had offered to secure the United States a treaty with Tunis for 30,000 guineas, and one with Tripoli for the same sum. Since these two powers were then subordinate to Algiers, Jefferson was convinced that the sum of money the Commissioners were allowed for these treaties was "as a drop to a bucket." Consultation with Count de Vergennes led him to doubt the efficacy of a treaty with the Porte, since that minister pointed out that Spain, with such a treaty, was going to pay heavily for her treaty with Algiers, the total for treaty and ransom being

⁸⁸ Ibid., Carmichael to Jefferson, May 18, 1786.

⁸⁹ Ibid., Lamb to Adams and Jefferson, May 20, 1786.

⁹⁰ Count d'Expilly to Carmichael (inclosure), in Carmichael to Jefferson, May 18, 1786.

⁹¹ Jefferson MSS., Carmichael to Jefferson, May 18, 1786.

⁹² Ibid., Jefferson to Carmichael, May 5, 1786.

3,000,000 dollars.⁹³ Adams still felt that treaties should be purchased even though they cost £600,000, since a war would cost £500,000, and then the treaties must be paid for.⁹⁴ They finally agreed, however, to discontinue negotiations with Algiers, and requested Carmichael to notify Lamb,⁹⁵ then at Alicant awaiting their orders,⁹⁶ and to deliver letters to Lamb and Randall asking them to come to Paris immediately.

The Emperor of Morocco had sought for some time to enter into negotiations with the United States through Barclay. He had shown a favorable disposition by releasing Captain Erwin and his ten sailors without ransom. Although Barclay lingered at Cadiz for several weeks, he sent word to the Emperor at Mogador that he was on the way to seek a treaty.⁹⁷ The Austrian Consul at Cadiz, Count de Greppi, at Carmichael's request, wrote a letter to Mr. Chiappi, acting as Minister of Foreign Affairs for the Emperor of Morocco, recommending Mr. Barclay to his notice.⁹⁸ Adding this letter to those secured at Madrid, Barclay sailed March 27, 1786.⁹⁹ News reaching Carmichael just at this time that the Emperor of Morocco had recently referred to England as "false and perfidious,"¹⁰⁰ seemed to indicate a state of mind favorable to us. Barclay on his arrival found the Emperor much angered with England and found him quite ready to treat with us. His representative, Tahar Fennish, and Barclay discussed terms for several months, and the treaty prepared by Adams and Jefferson was accepted but for one unimportant article and signed in July, 1786.¹⁰¹

Barclay, elated over his success, wrote to Adams and Jefferson offering to go to Tunis, Tripoli, and Algiers, if Lamb had given up the attempt, and secure similar treaties. He

⁹³ Ibid., Jefferson to Jay, May 23, 1786.

⁹⁴ Ibid., Adams to Jefferson, June 6, 1786.

⁹⁵ Ibid., Jefferson to Lamb, June 20, 1786.

⁹⁶ Ibid., Carmichael to Jefferson, June 16, 1786.

⁹⁷ Ibid., Barclay to Adams and Jefferson, May 23, 1786.

⁹⁸ Carmichael MSS., Carmichael to Jay, Aug. 14, 1786.

⁹⁹ Jefferson MSS., Carmichael to Jefferson, June 16, 1786.

¹⁰⁰ Ibid., Carmichael to Jefferson, May 18, 1786.

¹⁰¹ Ibid., Carmichael to Jefferson, Aug. 17, 1786.

requested them to forward instructions through Carmichael.¹⁰² He felt that the treaties with all these powers would be easy, if we had one with the Porte, but he failed to allow for the need of money, as evidenced by Spain's expenditure in Algiers. The treaty with Morocco had cost approximately ten thousand dollars in gifts, and provided for no annual tribute, as he had been led to expect in Spain,¹⁰³ hence he was inclined to be optimistic. The instructions asked for were not sent to meet him in the south of Spain, but a letter from Jefferson¹⁰⁴ informed him that, since Mr. Carmichael had written him of the opinions of Count Florida Blanca and Count d'Expilly, that a treaty must first be made with Turkey, and since Mr. Adams was opposed to negotiating with Algiers,¹⁰⁵ he was now at liberty to return to London, Paris or America.

Carmichael, during these negotiations, had kept Jefferson informed of news received in Spain from both Barclay and Lamb.¹⁰⁶ He wrote but briefly to Mr. Jay, since those negotiations were in charge of Jefferson and Adams. However, he was prompt in forwarding a copy in Spanish of the treaty with Morocco to Jay with several inclosures to show the friendly conduct of Spain during the negotiations.¹⁰⁷ Fearing that the same neglect, as in the case of the released captives, would now be shown in a failure to return thanks to Spain, he urged that Congress properly acknowledge the "friendly interference of his Catholic Majesty." He, and other representatives of the United States abroad at this time, had experienced the hostility of Great Britain and all its representatives; and he felt that the convention just agreed on between Spain and Great Britain over the Mosquito Coast argued no good for the United States, as Spain seemed elated over British recognition of the "Spanish Continent in America." He felt that "our peace with Morocco was certain

¹⁰² Ibid., Barclay to Adams and Jefferson, June 26, 1786.

¹⁰³ Ibid., Barclay to Adams and Jefferson, May 23, 1786.

¹⁰⁴ Ibid., Jefferson to Barclay, Sept. 22, 1786.

¹⁰⁵ Ibid., Adams to Jefferson, Sept. 11, 1786.

¹⁰⁶ Carmichael MSS., Carmichael to Jay, July 3, 1787.

¹⁰⁷ Ibid., Carmichael to Jay, Aug. 14, 1786, and Sept. 2, 1786.

last year, that with Algiers probable in the course of this year, and perhaps still to be attained if proper methods are pursued."¹⁰⁸

Barclay, relieved of further duties, repaired to Madrid and finished out the year at the Court with Carmichael. Lamb continued at Alicant and was in correspondence with the Minister of Marine of Algiers.¹⁰⁹ Carmichael thought this correspondence should be stopped or transferred to him, and wrote to Jefferson of it. He urged that Barclay be sent to Algiers as he could create a diversion and prevent depredations on our ships, even if he could not secure a treaty. He regarded Lamb as unqualified for that service as he had displeased, and been displeased with, both the Spanish and French agents in Algiers, from whom alone he could expect help.¹¹⁰ Carmichael was quite willing to go to Algiers or to negotiate with that country in Spain, and Barclay urged that he was the logical man for this negotiation.¹¹¹ Jefferson agreed with Barclay that Carmichael was the "proper person to negotiate our business with Algiers,"¹¹² and so recommended to Mr. Jay,¹¹³ but lack of money prevented this being carried out at the time.

Jefferson requested Carmichael to have payment stopped on any money Lamb might have left in Madrid, and to secure his copy of the cipher he had brought with him.¹¹⁴ Carmichael, unable to go to Alicant, assured Jefferson that no money had been left by Lamb at Madrid,¹¹⁵ and urged Lamb to go to Paris to render his account. Lamb wrote Jefferson that his health would not permitt him to go to Paris but he would no longer use his letter of credit.¹¹⁶ Not being able

¹⁰⁸ Jefferson MSS., Jefferson to Carmichael, Sept. 23, 1787, Dec. 15, 1787.

¹⁰⁹ Ibid., Lamb to Adams and Jefferson, Oct. 10, 1786.

¹¹⁰ Ibid., Carmichael to Jefferson, Oct. 3, 1786, July 18, 1786.

¹¹¹ Ibid., Barclay to Adams and Jefferson, Jan. 6, 1787.

¹¹² Ibid., Jefferson to Barclay, Feb. 18, 1787.

¹¹³ Ibid., Jefferson to Jay, Feb. 1, 1787.

¹¹⁴ Ibid., Jefferson to Carmichael, Dec. 26, 1786.

¹¹⁵ Ibid., Carmichael to Jefferson, Sept. 29, 1786.

¹¹⁶ Ibid., Lamb to Jefferson and Adams, July 18, 1786.

to move Lamb, Carmichael asked Barclay to go to Alicant, after he had spent about four months at the Court, and get all possible information from Lamb, at the same time settling his account.¹¹⁷ Barclay found on his arrival that Lamb had sailed for Minorca, and, after a detention due to rheumatism, he proceeded on his way to France.¹¹⁸ Lamb lingered near Alicant until the end of 1787, sending Jefferson his letter of credit, and then left for the United States.

No further negotiations with the Barbary Powers were undertaken while Carmichael was acting *Chargé d'Affaires* in Spain. For some years the American captives in Algiers were sustained by the funds provided by Count d'Expilly, and his successor, Las Heras, at Carmichael's request.¹¹⁹ Carmichael repeatedly urged Jefferson and Jay to reimburse these men,¹²⁰ and Jay wrote him that Jefferson had the funds for that purpose.¹²¹ Jefferson, on the other hand, requested Carmichael to have the Spanish agents discontinue their protection, as any money coming from the American captives would induce further seizures of American ships.¹²² He urged that it was better for a few to suffer in order to assure safety to our commerce in future. Carmichael agreed with Jefferson that Algiers should be convinced we would not ransom captives, yet his heart revolted at making these poor fellows the victims for the future security of others.¹²³ Jefferson was later, by resolution of Congress,¹²⁴ authorized to use the residue of the money Lamb had been given for negotiations to ransom these captives. Since the demands of Algiers were in excess of this sum, the ransom was not effected until after Carmichael's death, and, by that time, the ravages of the plague had greatly reduced the number to be ransomed.

¹¹⁷ *Ibid.*, Carmichael to Jefferson, Dec. 17, 1786.

¹¹⁸ *Ibid.*, Barclay to Adams and Jefferson, February 10, 1787, Jan. 6, 1787.

¹¹⁹ *Ibid.*, Capt. O'Bryan to Carmichael, Sept. 13, 1786.

¹²⁰ *Ibid.*, Carmichael to Jefferson, July 9, 1787.

¹²¹ *Dipl. Cor.*, VI, 390, Jay to Carmichael, Sept. 23, 1788.

¹²² Jefferson MSS., Jefferson to Carmichael, Sept. 23, 1787.

¹²³ *Ibid.*, Carmichael to Jefferson, Oct. 15, 1787.

¹²⁴ *Ibid.*, Resolution of July 18, 1787.

In July, 1788, only fifteen of the twenty-one captives survived, and they lived on the allowance still advanced by the Spanish Consul without any assurance of repayment.¹²⁵

The later connection of Carmichael with Morocco was limited to the transmitting of the treaty, ratified by Congress in July, 1787, to Tahar Fennish, and notification of the three members of the Chiappi family, one at Morocco, a second at Mogador, and the third at Tangiers, of their appointment as American agents, by Act of Congress.¹²⁶ These appointments were at Barclay's request. Thereafter, Carmichael served as a medium of exchange for communications to and from these agents. In November, 1788, he forwarded to Jay the ratification of the treaty on the part of Morocco, together with three letters of the Emperor. One of these was a letter to Congress attributing the treaty to the influence of Spain. The remaining letters were copies of letters in favor of the United States to the Beys of Tunis and Tripoli, secured and sent by F. Chiappi, acting both as Foreign Minister of Morocco and Agent of the United States.¹²⁷ With respect to the Chiappis, Carmichael felt that they would prove rather expensive agents, as they would likely bring accounts against Congress conformable to Oriental ideas.¹²⁸ However, in spite of the pessimism of John Adams, who declared, "I have no faith in the supposition that Spanish interference has counted for money or at least that it will pass long for it,"¹²⁹ Carmichael believed the treaty with Morocco would continue in effect through the then Emperor's life, and in this he judged correctly.

During this period of his career Carmichael kept up a correspondence with the Minister of Marine of Algiers. This he did to keep alive, in the minds of those considering seizure of American vessels, the idea that, while we desired peace,

¹²⁵ *Ibid.*, Carmichael to Jefferson, July 24, 1788.

¹²⁶ *Dipl. Cor.*, VI, 374, Jay to Carmichael, July 26, 1787.

¹²⁷ Carmichael MSS., Carmichael to Jay, Nov. 5, 1788 (inclosures).

¹²⁸ Jefferson MSS., Carmichael to Jefferson, Oct. 15, 1787.

¹²⁹ *Ibid.*, Adams to Jefferson, Sept. 11, 1786.

we were not averse to war. He wrote to Jefferson, "Their Minister of Marine seems friendly and apprehensive of American cruisers in the Mediterranean."¹³⁰ This correspondence continued over several years, and in November, 1788, when the old Dey died, Carmichael wrote that he had been succeeded by the "Casnaga formerly Minister of Marine with whom I have means of making overtures."¹³¹ No overtures were made, however, at this time.

In the routine duties of *Chargé d'Affaires* under the Confederation, Carmichael continued active. The various American agents having occasion to visit Madrid, Barclay, Lamb, W. S. Smith, Randall, and Franks, had their stay made pleasant for them. For the first three all necessary letters to aid them in their missions were secured. Those of Barclay and Lamb we have already considered. W. S. Smith, Secretary to John Adams, and also his son-in-law, was sent by Adams to Portugal to press the matter of the treaty negotiated with Chevalier Del Pinto, Portuguese Minister at London. He was also to thank the Portuguese Government for promising to protect our ships against Algiers. He reached Madrid in June, 1787, and spent some days there and at Aranjuez.¹³² His testimony may serve to show the attention Carmichael usually secured for Americans passing through Spain. After his return from Lisbon to London, Colonel Smith wrote to Jay:

I have the honor of forwarding a letter from Mr. Carmichael at Madrid where and at Aranjuez, I passed some days agreeably. It would not be doing justice to Mr. Carmichael, were I to omit observing, that through him my reception at the Court of Spain, was very flattering and remarkably polite. On my departure the Prime Minister honored me with an open letter of instruction to the Spanish resident at Lisbon, requiring him in the name of the King, to give me every facility in his power towards the accomplishment of any business I wished to have forwarded during my stay at Lisbon, and in which I should choose to consult him. This produced every attention on his part, without giving him any trouble on the subject of my business.¹³³

¹³⁰ *Ibid.*, Carmichael to Jefferson, July 18, 1786.

¹³¹ *Ibid.*, Carmichael to Jefferson, Nov. 3, 1788.

¹³² *Ibid.*, Carmichael to Jefferson, July 9, 1787.

¹³³ *Dipl. Cor.*, V, 465, W. S. Smith to Jay, Sept. 12, 1787.

In the same letter he compared the poor reception given him at Lisbon with that given him by the "Corps diplomatique" at Madrid.

The pressing of claims of American citizens on Spain continued, but with poor success.¹³⁴ It must be remembered, however, that Florida Blanca was stressing economy to rebuild the credit of Spain, now very poor in Europe, and that the claims of Spanish and French citizens met with the same scant attention.¹³⁵ The two chief claims urged upon Carmichael by Jay were the old *Dover Cutter* case and the claims of South Carolina for a share of the spoils, alleged as promised, for the aid of Commodore Gillon and the frigate *South Carolina* in the capture of Providence in the Bahamas.¹³⁶ Having inherited the *Dover Cutter* affair from Jay, and, having pressed it unsuccessfully years before, Carmichael seems to have disregarded Jay's pleas on that score, nor did he even mention it in his letters in reply. He did press the claims of South Carolina, although the amount of money demanded was reduced from sixty to forty thousand dollars.¹³⁷ From Florida Blanca he secured a letter stating that, since the data must be secured at Havana, whence Governor Cagigal had dispatched the expedition, the settlement should be transferred to New York, where Gardoqui, after consulting with Governor Galvez of Havana, could confer with the delegates of South Carolina in Congress.¹³⁸

Only one other matter was committed to him by resolution of Congress, and the same resolution urged it on Gardoqui, Spanish Chargé d'Affaires in the United States. This was the question of the return of runaway slaves of Georgia and South Carolina who had found a refuge in Pensacola.¹³⁹ The Spanish Governor of East Florida, Zespedes, allowed the owners to

¹³⁴ Jefferson MSS., Carmichael to Jefferson, Sept. 6, 1787.

¹³⁵ Carmichael MSS., Carmichael to Jay, Sept. 2, 1786.

¹³⁶ Dipl. Cor., VI, 327, Jay to Carmichael, Dec. 1, 1786.

¹³⁷ Ibid., p. 392, Jay to Carmichael, Nov. 24, 1788 (inclosures).

¹³⁸ Jefferson MSS., Carmichael to Jefferson, March 25, 1787; Jefferson to Governor of S. Carolina, Oct. 4, 1787.

¹³⁹ Dipl. Cor., VI, 377, Extract from Secret Journals of Congress, Foreign Affairs, Aug. 26, 1788.

recapture these slaves and place them with a responsible party, but refused to allow them to be taken over the border. He claimed he had applied to his Court for instructions in the matter and was awaiting a reply. Carmichael was requested to urge that suitable instructions be sent to Zespedes and to promise reciprocity in case of runaway slaves from Florida.¹⁴⁰ This affair was still unsettled when Washington was inaugurated and formed one of the problems of the new government.¹⁴¹

As Acting Chargé d'Affaires, Carmichael continued his gathering and sending of news of Europe likely to affect the United States. The efforts of English ministers and consuls to represent the United States in the worst possible light continually worried him.¹⁴² The various States aided them nobly in this by dereliction in the matter of financing the Government under the Articles of Confederation. Their failure to give this support as well as their general attitude of independence of the central government, instanced by their laws restricting commerce, contributed to the general view of the European monarchies that the union of the States would be short lived. Mr. Eden, sent as an agent of England to Paris and to Madrid, was especially active in spreading reports of this type.¹⁴³ Some representatives of England even went to the verge of active hostility. An instance of this was shown when Logie, English Consul in Algiers, urged the Dey to seize the ship purchased by Lamb at Barcelona, together with the money carried on it, estimated at 80,000 pistoles, as he had word from Gregory, English Consul at Barcelona, that the vessel was not properly cleared as Spanish property.¹⁴⁴ The Dey politely requested him to mind his own business.

In the various threats of war in Europe following the close of the American Revolution the attitude of Spain was of vital

¹⁴⁰ Ibid., p. 376, Jay to Carmichael, Sept. 9, 1788 (inclosure of letter of Zespedes).

¹⁴¹ Ibid., p. 415, Jay to Carmichael, Oct. 2, 1789.

¹⁴² Carmichael MSS., Carmichael to Jay, June 29, 1788.

¹⁴³ Jefferson MSS., Jefferson to Carmichael, Sept. 23, 1787.

¹⁴⁴ Ibid., Carmichael to Jefferson, Oct. 15, 1787, July 18, 1786.

interest to the United States. Carmichael faithfully recorded this in letters to Jay or to Jefferson.¹⁴⁵ When Russia and Austria planned war on Turkey, and Russia sought the views of Spain as to the sending of Russian war vessels by the Straits of Gibraltar to the Mediterranean, Carmichael secured and sent to Jay the note of Florida Blanca replying that Spain would not interfere in such a case. When trouble threatened between Spain and England over the Mosquito Coast and was settled by the convention of 1786, he immediately forwarded a copy to Mr. Jay,¹⁴⁶ although Mr. Adams, then in London, where the treaty was made, was almost certain to do so. This treaty was of particular interest to us since it gave the English the right to cut hard woods in Honduras and the Bay of Campeachy; a right denied to citizens of the United States. In the difficulty between Spain and Naples, he was solicitous of keeping up with the latest information until this family squabble was peaceably settled.¹⁴⁷ His portrayal of the Spanish outlay of money for a treaty with Algiers and ransom of prisoners certainly gave some idea of the reason for our failure there.¹⁴⁸

The matter of financial provision for their servants abroad was handled in various ways by Congress. The custom of all American agents in Europe during the Revolution was to make drafts on Dr. Franklin.¹⁴⁹ He usually paid these, under protest in some cases, out of money borrowed from France. When he had no money they had to support themselves. In Spain, Carmichael followed this custom for part of his first year. Then he lived on his own resources for over five years. During this time Robert Morris was Superintendent of Finance for Congress, but Carmichael received nothing in spite of his request that his salary be transmitted to John Ross, an American merchant resident in France. On the advice of Dr. Franklin, he drew on the Messrs. Grand in Paris for this back

¹⁴⁵ Carmichael MSS., Carmichael to Jay, June 29, 1788.

¹⁴⁶ *Ibid.*, July 15, 1786, Aug. 14, 1786 (inclosure).

¹⁴⁷ *Ibid.*, July 15, 1786.

¹⁴⁸ *Ibid.*, Dec. 9, 1785, July 15, 1785.

¹⁴⁹ Jefferson MSS., Jefferson to Board of Treasury, June 17, 1787.

pay, amounting to more than five thousand pounds sterling.¹⁵⁰ These drafts began to come in just as Franklin was leaving France,¹⁵¹ and the Messrs. Grand appealed to Jefferson to know whether they should pay them when no letters of advice accompanied them.¹⁵² Jefferson did not know anything of finance, and hated to be bothered with such matters. Some of the bills were protested and had to be returned to Madrid for a letter of advice, much to Carmichael's disgust, although he did finally receive payment. The funds remaining in the hands of the Messrs. Grand were soon exhausted and they even advanced money of their own.

In 1785 Congress established a Board of the Treasury, composed of three men, to manage finances. Jefferson immediately appealed to them to be relieved of any responsibility for payment of Carmichael or Dumas. The Board reminded Jefferson of the deplorable state of our finances, and agreed with him that he should use the prize money recently collected by John Paul Jones to maintain the diplomatic officers.¹⁵³ This money, amounting to 112,172 livres, sufficed to repay Messrs. Grand their advance, to replace the money of the State of Virginia left with Messrs. Grand to buy arms but used to meet drafts of Carmichael, and to maintain the diplomatic establishments at London, Paris, Madrid and The Hague for three months.¹⁵⁴ When this was exhausted Carmichael was forced to use his personal resources. He wrote to his brother in Maryland to mortgage or sell some land for him, and managed to borrow some money in Spain, an expedient never resorted to in previous years.¹⁵⁵

Steps had already been taken by the Treasury Board to remedy this defect. The loan of one million florins in Holland was being subscribed slowly at this very time and, in November, 1787, the Board wrote to Jefferson enclosing him

¹⁵⁰ Ibid., Carmichael to Jefferson, Dec. 17, 1785.

¹⁵¹ Ibid., Jefferson to Carmichael, Dec. 8, 1785.

¹⁵² Ibid., Grand to Jefferson, Feb. 1, 1786.

¹⁵³ Ibid., Board of Treasury to Jefferson, May 9, 1786.

¹⁵⁴ Ibid., Jefferson's estimate, Aug. 12, 1786.

¹⁵⁵ Ibid., Carmichael to Jefferson, April 14, 1788.

a letter of credit and advising him of a similar one sent to Carmichael.¹⁵⁶ These letters permitted them to draw on Messrs. Wilhelm and Jan Willink, and Nicholas and Jacob Staphorst of Amsterdam, quarterly, for their salary.¹⁵⁷ This good news reached Carmichael just four days after he had written the despairing letter mentioned above, and in his own words enabled him to "take the field."¹⁵⁸ He proceeded to Aranjuez in a few days and resumed his usual life at the Court. From this time to the end of his career his salary, although insufficient, was paid with reasonable promptitude.¹⁵⁹

In common with others interested Carmichael followed eagerly the course of the Convention of 1787. From Jay he received little news of this, but much from Jefferson, who was in constant communication with James Madison. The news of the adjournment of the convention and of the adoption of the Constitution reached him through the Count de Florida Blanca, who seemed hopeful that the formation of the new government would at last bring the desired treaty.¹⁶⁰ Like Jefferson, Carmichael was at first opposed to features of the Constitution, but he likewise, and before Jefferson, came to the conclusion that these evils were insignificant when compared with the advantages of a stronger government.¹⁶¹ The notice of his appointment as "Chargé des Affaires for Spain" was sent him by Jay in October, 1789,¹⁶² and he was formally commissioned April 20, 1790.

¹⁵⁶ Ibid., Board of Treasury to Jefferson, Nov. 10, 1787.

¹⁵⁷ Ibid., Carmichael to Jefferson, April 29, 1788.

¹⁵⁸ Ibid., Carmichael to Jefferson, April 29, 1788.

¹⁵⁹ Ibid., Carmichael to Jefferson, Jan. 26, 1789.

¹⁶⁰ Ibid., Carmichael to Jefferson, Sept. 9, 1788.

¹⁶¹ Ibid., Carmichael to Jefferson, April 14, 1788; Jefferson to Carmichael, June 3, 1788.

¹⁶² Dipl. Cor., VI, 415, Jay to Carmichael, Oct. 2, 1789.

CHAPTER IV

CHARGÉ D'AFFAIRES

The death of the Spanish King Carlos III, December 14, 1788,¹ coming just on the eve of the institution of a new government in the United States, brought a new difficulty in its train for Carmichael. The enemies of the Count de Florida Blanca, observing the approaching end of the king, who had so fully trusted him, had gathered in a disaffected group about the Count de Aranda. Among them were former associates of Carmichael whom he now avoided.² The new king, Carlos IV, now forty years of age, and dominated by his queen, announced his retention of the ministry of his father. Speculation continued, however, as to the probable successor of Florida Blanca, and the favorites of the queen, two brothers of Estremadura, named Godoy, let it be known that there would soon be a successor.³ In the midst of these court plots, Florida Blanca continued his work, as his health permitted, too proud to seek the favor of the queen to retain his post. Carmichael marked time until orders should come.⁴

Affairs in Morocco and Algiers concerned him somewhat during the year 1789. In Morocco the Emperor still continued friendly, and Jefferson, just prior to leaving Paris, had, at Carmichael's request,⁵ sent a letter of thanks to the Emperor through Joseph Chiappi, our agent at his court.⁶ The result was evident when an American vessel *The Polly* of Salem, returning from Cadiz to Salem with a cargo of salt, was captured by two Moorish cruisers. The captains were severely reprimanded by the Emperor and the vessel released with liberal supplies.⁷ The peace with Morocco seemed

¹ Jefferson MSS., Carmichael to Jefferson, Dec. 14, 1788.

² Ibid., Carmichael to Jefferson, Sept. 9, 1788.

³ Ibid., Carmichael to Jefferson, Dec. 14, 1788.

⁴ Ibid., Carmichael to Jefferson, Aug. 13, 1789.

⁵ Ibid., Carmichael to Jefferson, Aug. 13, 1789.

⁶ Ibid., Jefferson to Guiseppe Chiappi, Sept. 9, 1789.

⁷ Ibid., Maurice Roberts to Carmichael, Aug. 7, 1789, inclosure in Carmichael to Jefferson, Aug. 13, 1789.

assured as long as this Emperor ruled. In Algiers the American captives, now reduced to fourteen by six deaths from the plague, and one ransomed by friends, were still cared for by the Spanish Consul, Las Heras, although Carmichael had been instructed by Jefferson to have him discontinue such aid. Their lot had not been such a hard one, as the new Dey, formerly the Minister of Marine, favored the Americans and employed several about the palace.⁸ Las Heras, now anxious for his money, made a draft on Carmichael for the amount he had expended, 833½ sequins (\$1875.37). This bill, and that of Count d'Expilly, his predecessor, Carmichael forwarded to Jefferson, requesting him to take them with him to the United States, and urge their payment.⁹ Bitter complaints from the captives continued to reach Carmichael for some years.¹⁰

Another request made of Jefferson at this time was that he urge the need of giving Carmichael the title of Minister.¹¹ This request Carmichael based on the etiquette of the Spanish Court where precedence for purposes of audience was thus decided. He himself had never troubled Congress with demands for money or title, although he grew "every year poorer." As he told Jefferson, "I do not ask the salary of a Minister, but I wish to have the Title for their interests, because the Etiquette here is so much to the advantage of the Ambassadors and Ministers." The reply of Jefferson must have been most gratifying to Carmichael, and probably led him to entertain false hopes when he learned through Jay¹² that Jefferson was chosen as Secretary of State. In his reply Jefferson promised to use his time in America "to profit of any good occasion which may occur to show the difference between your real situation and what it ought to be."¹³

⁸ Ibid., Capt. O'Bryan to Jefferson, July 7, 1790.

⁹ Ibid., Carmichael to Jefferson, Jan. 26, 1789, Aug. 13, 1789.

¹⁰ Ibid., Carmichael to Jefferson, Jan. 26, 1789; Archives of Dept. of State, D. Humphreys to Secretary of State, Sept. 27, 1791.

¹¹ Jefferson MSS., Carmichael to Jefferson, Jan. 26, 1789.

¹² Dipl. Cor., VI, 415, Jay to Carmichael, Oct. 27, 1789.

¹³ Jefferson MSS., Jefferson to Carmichael, May 8, 1789.

Jefferson's departure from Paris, in September, 1789, left Carmichael isolated in Madrid. He had no correspondence with William Short, left as Chargé d'Affaires at Paris, and the disorders attendant on the French Revolution would have prevented regular communication with him. The return of Don Diego Gardoqui to Spain,¹⁴ about the same time, cut off another opportunity for communication, since the Spanish packet boats to New York were discontinued. This isolation was rendered more complete by the interception of his letters, probably by one of his servants in the pay of Count Cabarrus.¹⁵ This interception was prompted by the interest aroused as to the attitude the United States would assume in the "Nootka Sound" controversy with Great Britain, 1789-1790, if war were to follow.

The only sign of any activity on the part of Carmichael in the year 1790 is found in the success of his representations on the question of the return of fugitive slaves from East Florida. Jay had urged new representations on this subject just as he was leaving office.¹⁶ Orders finally reached Governor Quesada, of that province, to allow no refuge to such fugitives. Governor Quesada notified the Spanish Chargé d'Affaires, Don Joseph de Viar, at Philadelphia, who communicated the good news to Jefferson. Jefferson received this letter while at Monticello, and wrote Viar to convey his thanks to the king,¹⁷ and later sent a similar letter to Quesada.¹⁸

The death of the friendly Emperor of Morocco took place in that year. His son and successor proved quite different. He declared war on Spain immediately, but suffered the loss of several of his own vessels in the conflict.¹⁹ This news led to a message to Congress from President Washington on Barbary affairs which was submitted to Jefferson for his report. Jeffer-

¹⁴ Dipl. Cor., VI, 271, Gardoqui to Jay, Oct. 3, 1789.

¹⁵ Carmichael MSS., Carmichael to Jefferson, Jan. 24, 1791.

¹⁶ Dipl. Cor., VI, 415, Jay to Carmichael, Oct. 2, 1789.

¹⁷ Jefferson MSS., Jefferson to Viar, Oct. 27, 1790.

¹⁸ Ibid., Jefferson to Quesada, March 10, 1791.

¹⁹ Ibid., Short to Jefferson, Oct. 27, 1790.

son reported that a new treaty with Morocco would have to be made and that the captives in Algiers should be ransomed. A resolution of the Senate advised the President to undertake both of these provided the ransom did not exceed forty thousand dollars.²⁰

Since negotiations for a treaty with Spain had been broken off by the departure of Gardoqui, and the question of an outlet for the growing West left unsettled, Jefferson now planned to have Carmichael press the question of the navigation of the Mississippi. For this he prepared an exhaustive brief, recapitulating all of the arguments formerly used, and labeled it, "Heads of Consideration on the Navigation of the Mississippi for Mr. Carmichael."²¹ In this he argued for the right (1) by Nature; (2) by Treaty, and urged that Spain had better yield the right from choice than from necessity. His conclusion was that the United States was a safer neighbor for Spain than was England, for, "Conquest not in our principles: inconsistent with our government, not to our interest to cross the Mississippi for ages and will never be to our interest to remain united to those who do." This brief was prepared August 2, 1790, and submitted to President Washington along with a letter to Carmichael of the same date, and both, receiving his approval, were entrusted to Colonel David Humphreys, who was to deliver them to Mr. Carmichael at Madrid. Colonel Humphreys was selected because of his knowledge of the situation in the West and was to add oral information to the written dispatches. After spending such time with Carmichael as the latter judged necessary, Colonel Humphreys was to repair to Lisbon to enter into conversations with the Portuguese Ministry concerning an exchange of ministers.²²

To understand the situation in Spain prior to Colonel Humphreys' arrival much must be conjectured. Carmichael

²⁰ Ibid., LX, p. 10409.

²¹ Ibid., LVI, p. 9678.

²² Am. St. Papers, For. Rel., I, 127, Message of President Washington to U. S. Senate, Feb. 18, 1791.

had only one visit of importance from an American during this period, and that visit from Lewis Littlepage, a Virginian, then prominent in Polish affairs. Littlepage had served as a volunteer in the family of the Duc de Crillon at Minorca, and as his aide in the unsuccessful siege of Gibraltar, hence was well known in Spain.²³ He and Carmichael had talked over the "Nootka Sound" controversy resulting from the seizure of two British fishing vessels in Nootka Sound by Spanish vessels on the charge that they were encroaching on Spanish territory. Littlepage promised to write Jefferson "to make some political communications of a secret nature to the President respecting the late contestations between the Courts of Madrid and London."²⁴ He had indeed written to President Washington from Madrid while the contest was apparently inevitable, and forwarded the letter through the Marquis de La Fayette. The letter of Littlepage is the only confirmation of Carmichael's claim that he was fully informed of the progress of affairs in the crisis, so vital in its bearing on the fortunes of the United States, unless we add the statement of Colonel Humphreys that Carmichael showed him copies of many letters and confidential documents sent to Jefferson but never received.²⁵

Another factor entering into the Spanish situation was the mission of Gouverneur Morris, sent as the personal agent of President Washington to London, in October, 1789. Morris was to press the question of fulfillment of the treaty of 1783 by evacuation of military posts on the part of England and payment of losses due to negro slaves carried from New York by General Carleton. He was also to discover the possibilities of a commercial treaty. The letter of President Washington, serving as credentials for Morris, was innocent of any design against Spain.²⁶ However, a garbled copy of this letter was

²³ Carmichael MSS., Carmichael to R. Livingston, Sept. 29, 1782.

²⁴ Jefferson MSS., Lewis Littlepage to Jefferson, March 5, 1791.

²⁵ Ibid., Jefferson to President Washington, April 2, 1791; Archives of Dept. of State, D. Humphreys to Jefferson, Dec. 18, 1790, Jan. 15, 1791.

²⁶ Am. St. Papers, For. Rel., I, 122, Pres. Washington to G. Morris, Oct. 13, 1789.

circulated by British Agents and caused a coolness to be shown Carmichael in Spain which led him to give up all correspondence with Morris.²⁷ The very presence of a secret agent of the United States in London under the circumstances was a matter for suspicion on the part of the Spanish Ministry.

The belief of Jefferson that war was at hand, giving him the long awaited opportunity of bringing pressure to bear on Spain was encouraged by Morris. In a letter, in May 1790, relating the progress of talks with the Duke of Leeds, then Foreign Minister, and Mr. Pitt, Prime Minister, Morris commented on the effect of the alliances of France and Spain, and of England and Prussia in case of a war and added, "but for my own part I believe that war is inevitable, and I act on that ground. If it does take place, they will, I think, desire such things of us, in a treaty of commerce, as we shall not be disposed to grant; but if it does happen, then they will give us a good price for our neutrality; and Spain I think will do so too; wherefore this appears to be a favorable moment for treating with that court about the Mississippi."²⁸

The mission of Colonel Humphreys in August was, in view of the expected war, to have Mr. Carmichael press for an acknowledgement of the right of the United States to navigation of the Mississippi and for a free port near the mouth. If peace prevailed Carmichael was to use his discretion, and "in that event they must be pressed more softly; and that patience and persuasion must temper your conferences, till either these may prevail, or some other circumstances turn up which may enable us to use other means for the attainment of an object which we are determined in the end to attain at every risk."²⁹

The circumstances which were to drive Spain to a treaty, yielding these points, indeed came later, but not at this time.

²⁷ Carmichael MSS., Carmichael to Jefferson, Jan. 24, 1791.

²⁸ Am. St. Papers, For. Rel., I, 125, G. Morris to Pres. Washington, May 29, 1790.

²⁹ Ibid., p. 247, Jefferson to Carmichael, Aug. 2, 1790.

When Colonel Humphreys reached Madrid, December 17, 1790,³⁰ Spain had been compelled to yield to the British ultimatum, as they had found that France, then in the throes of revolution, was not a dependable ally. Carmichael, apparently much distressed at the news brought by Humphreys that none of his letters had reached Jefferson, wrote a long letter in January, striving to clear himself of the imputation of a failure to make such reports.³¹ The cipher sent by Jefferson showed such signs of being tampered with that he dared not use it. The letter was carried by Humphreys to Lisbon and sent by him to Jefferson. In view of the change of circumstances Carmichael wrote Jefferson that he would "discretionally obey the latter part of the Instructions given me." The letter closed with a pitiful appeal to Jefferson to request the President to allow him to return to the United States.³²

Dispatches from Humphreys, including the letter from Carmichael, reached Jefferson the last of March, 1791.³³ Before their arrival Jefferson had written two letters to Carmichael pressing other matters. The first was a claim of Joseph St. Marie, a citizen of the United States, for goods valued at \$1980 seized several years before by Spanish officers, on the East bank of the Mississippi, at a point two hundred and fifty miles above Natchez. The officers stated that they had orders to seize all American property on the Mississippi below the mouth of the Ohio. Jefferson avowed a belief that such orders came from New Orleans and not from Spain. Carmichael was instructed to urge payment of the claims of St. Marie, and at the same time again urge our right to navigation of the Mississippi.³⁴ The second letter enclosed a proposed navigation act of Congress aimed at the nations, Spain, France and Portugal, which were discriminating

³⁰ Archives of Dept. of State, D. Humphreys to Secretary of State, Dec. 18, 1790.

³¹ Carmichael MSS., Carmichael to Jefferson, Jan. 24, 1791.

³² *Ibid.*

³³ Jefferson MSS., Jefferson to Pres. Washington, April 2, 1791.

³⁴ *Ibid.*, Jefferson to Carmichael, March 12, 1791.

against the United States. Carmichael was to communicate this proposed act to the Spanish Court as "founded on universal reciprocity."³⁵

The arrival of the dispatches of Humphreys at a time when President Washington was touring the South gave Jefferson an excuse for the retention of Carmichael at Madrid. Colonel Humphreys wrote that Gardoqui, on his return from America, had industriously spread the belief that the great majority of people in the United States did not desire navigation of the Mississippi lest it lead to depopulation of the Eastern States.³⁶ Jefferson wrote Carmichael to deny any such statement, as opinion on this question, however divided when Gardoqui left America, was unanimous at the time he wrote. He urged Carmichael to continue at his post, and said he would withhold his request from the President until he should repeat it in some future letter.³⁷ This letter, as well as those sent later, was sent to Colonel Humphreys, now appointed Minister Resident at Lisbon.³⁸

Carmichael was reported by Humphreys in his letters to Jefferson to be in wretched health.³⁹ He himself plead for relief, but all to no effect. Jefferson seemed still convinced that Carmichael could do more with Florida Blanca than any other American. On that Minister Jefferson placed the blame for Spanish stubbornness, and in this he was supported by both Carmichael and Humphreys. In April he wrote to President Washington: "The only hope of doing anything now is founded, either on an expected removal of the Count de Florida Blanca from the ministry in which case persons will be employed who are more friendly to America or to the

³⁵ Ibid., Jefferson to Carmichael, March 17, 1791.

³⁶ Ibid., Jefferson to Washington, April 2, 1791; Archives of Dept. of State, D. Humphreys to Secretary of State, Jan. 15, 1791.

³⁷ Jefferson MSS., Jefferson to Carmichael, April 11, 1791.

³⁸ Am. St. Papers, For. Rel., I, 127, Message of Pres. Washington, Feb. 18, 1791.

³⁹ Humphreys MSS., Archives of Dept. of State, D. Humphreys to Secretary of State, Feb. 6, 1791.

bursting out of that fire which both gentlemen think but superficially covered."⁴⁰

Apparently no public letter from Carmichael was ever received by the Secretary of State after that of January 24, 1791. One private letter reached Jefferson in August of the same year, but was merely a letter of introduction for the bearer, a Mr. Cassenave, who wished to reside in the United States for business purposes.⁴¹ With Humphreys, now minister resident at Lisbon, Carmichael corresponded more regularly, and Humphreys' letters to the Secretary of State contained information gleaned from Carmichael's letters.⁴² The failure to receive any word from Carmichael was quite irritating to Jefferson and he complained frequently of this neglect.⁴³ The failure to appoint a consul at Cadiz to succeed Mr. Harrison removed one opportunity for communication, and that the one most certain.⁴⁴ It may well be judged that poor communications prevented a satisfactory treaty with Spain in 1790. At the time when war seemed imminent with England, Florida Blanca suggested to Carmichael that the time had come to satisfy the United States "with respect to the Mississippi."⁴⁵ Carmichael wrote to Jefferson notifying him that Spain wished to send a commissioner to Philadelphia to negotiate, but the letter was never received. His surprise was great when he learned that the proposed negotiations had been transferred to Madrid and that he was one of the two commissioners for this purpose. Why this was done he could not conjecture, and the letters of Jefferson merely indicated that the request came through the Spanish Commissioners at Philadelphia.⁴⁶

⁴⁰ Jefferson MSS., Jefferson to Pres. Washington, April 2, 1791.

⁴¹ *Ibid.*, Carmichael to Jefferson, Aug. 19, 1791.

⁴² Humphreys MSS., Archives of Dept. of State, June 7, 1791, Sept. 10, 1791.

⁴³ Jefferson MSS., Jefferson to Short, March 18, 1792.

⁴⁴ *Ibid.*, Jefferson to Carmichael, June 23, 1791.

⁴⁵ Archives of Dept. of State, D. Humphreys to Secretary of State, Jan. 15, 1791.

⁴⁶ Am. St. Papers, For. Rel., I, 261, Carmichael and Short to Jefferson.

The arrival at Philadelphia of Don Joseph de Jaudenes to be joined with Don Joseph de Viar, as Spanish Commissioners, seemed to offer another opportunity to settle questions at issue. Jefferson had been informed through a "circuitous channel" that Spain was prepared to yield the navigation of the Mississippi.⁴⁷ A verbal communication from one of the Spanish Commissioners to Jefferson now informed him that Spain was ready to negotiate a treaty, but at Madrid. Jefferson lost no time in communicating this to President Washington and recommending that a Commission plenipotentiary be made out for this purpose. For this commission he recommended, "That Mr. Carmichael, the present Chargé des Affaires of the United States at Madrid, from the local acquaintance which he must have acquired with persons and circumstances, would be an useful and proper member of the commission; but that it would be useful also to join with him some person more particularly acquainted with the circumstances of the navigation to be treated of."⁴⁸

The Commission was finally constituted by the appointment of Carmichael, and of William Short, then at The Hague as minister resident for the United States.⁴⁹ The Spanish Commissioner at Philadelphia, Jaudenes, objected to Carmichael as deficient in decorum, and to Short as much the same type of man, but when the appointment was made he held his peace.⁵⁰ Jefferson notified the two men of the new commission in a joint letter, March 18, 1792.⁵¹ The same date he sent them detailed instructions on each of the three matters to be discussed in the following order, (1) Boundary, (2) The Navigation of the Mississippi,

⁴⁷ Jefferson MSS., Jefferson to Carmichael, Nov. 6, 1791.

⁴⁸ Am. St. Papers, For. Rel., I, 251, Report of Jefferson to Washington, Dec. 22, 1791.

⁴⁹ William Short MSS., Archives of Dept. of State, Jefferson to Short, Jan. 23, 1792.

⁵⁰ Wm. H. Trescot, *Diplomatic History of the Administrations of Washington and Adams (1789-1801)*, 244, published in 1857, citing Thomas Pinckney MSS.

⁵¹ Jefferson MSS., Jefferson to Carmichael and Short, March 18, 1792.

(3) Commerce.⁵² They were to follow these instructions strictly and send minute reports by safe carrier to Cadiz or Lisbon, or, if of great import, by special courier. To the three matters proposed as subjects for consideration was added a fourth, the next month, in a proposal from Jefferson for a convention with the Spanish provinces for the extradition of fugitives from justice.⁵³

In his report, adopted by President Washington and sent as instructions to Carmichael and Short, Jefferson argued at length the questions of boundary and navigation of the Mississippi, with quotations from Grotius, Puffendorf and Vattel to support his position. The commercial arrangements he held as of secondary importance, and they could be based on principles embodied in our treaties with Prussia or with France, the latter of which would be more acceptable to Spain.

As the "sine qua non" they were to adhere rigidly to the 31st degree as the Southern boundary and the Mississippi as the Western, and to the unlimited navigation of the Mississippi from its source to the sea, and with such conveniences on the shore below our boundary as were necessary to traders. These they were to claim by right and not accept as a grant, if it could be avoided.⁵⁴

Although Jefferson thought that Short would reach Madrid in May 1792,⁵⁵ he was delayed, and did not arrive until February 1, 1793.⁵⁶ During the interval Carmichael was urged to press various claims including the old *Dover Cutter* case, still being pressed on Jefferson by persons interested.⁵⁶ The arrival of Short gave Carmichael the opportunity to suggest the opening of discussions, and they were soon informed that Don Diego Gardoqui, now Minister

⁵² Am. St. Papers, For. Rel., I, 252-257, Jefferson's Report to Pres. Washington, Aug. 2, 1791.

⁵³ Ibid., p. 257, Jefferson to Carmichael and Short, April 24, 1792.

⁵⁴ Ibid., pp. 252-257, Instructions of March 18, 1792.

⁵⁵ Jefferson MSS., Jefferson to Carmichael, April 9, 1792.

⁵⁶ Am. St. Papers, For. Rel., I, 271, Carmichael and Short to Jefferson, June 6, 1793; Wm. Short MSS., Short to Jefferson, Feb. 3, 1793.

of Finance, had been appointed to confer with them. The usual delay in preparation of his powers by the foreign department held up proceedings until March 23, when the first conference was held. It might be said that the appointment of Gardoqui was unfortunate since his long residence in America, while negotiating with Mr. Jay, had led him to believe that the better part of the citizens of the United States were out of sympathy with the object of the negotiations. A much more unfortunate circumstance however was the growing friendliness of Spain and England, resulting in a treaty of alliance against France, May 25, 1793.

The conference with Gardoqui, March 23, was followed by others every Saturday, when he was least busy with his regular duties.⁵⁷ Carmichael and Short knew that an understanding between Spain and England was already in the air when these conferences began, hence they did not reveal the limitations of their instructions and led Gardoqui to think there was a possibility of compromise. His suggestion was that they start with the tentative articles arranged by him with Jay in Philadelphia, but, at the same time, he doubted whether the present king would accept them. Carmichael and Short informed him they could not accept the tentative agreement as to boundaries, and urged that the Spanish Government had agreed through Florida Blanca to recognize the 31st degree as the boundary. Don Gardoqui, with the utmost contempt, declared that the Count de Florida Blanca had written to him in America that this was "the grossest misrepresentation on the part of M. de La Fayette." He refused to allow any right to navigation of the Mississippi although he would not say when Spain's exclusive right began. At the close of these early conferences, the two commissioners were convinced that negotiations would accomplish nothing until Spain again had trouble with England of a character to drive her to seek terms with the United States.⁵⁸

⁵⁷ Am. St. Papers, For. Rel., I, 259, Carmichael and Short to Jefferson, April 18, 1793.

⁵⁸ Ibid.

The attitude of Gardoqui when the letter of Florida Blanca to La Fayette was mentioned was readily understood by both Carmichael and Short. In March, 1792, that Minister had been finally replaced as was expected.⁵⁹ The queen not yet daring to place her favorite, Godoy, in his place, chose the Count de Aranda as foreign minister. The triumph of Aranda was short lived, as he followed Florida Blanca into disgrace, and was practically imprisoned on his country estate in November of the same year. Godoy, now made the Duke de la Alcudia, succeeded him, and was at this time beginning to grow accustomed to his office. Aranda had informed Carmichael in his short term of office that a minister was not bound by the acts of his predecessor. Alcudia, still a very young man, was inclined to take advice and Gardoqui hoped to be the one to give it.⁶⁰

Future conferences with Gardoqui were held on Saturday afternoons, with the American Commissioners now adopting the Spanish policy of delay, hoping that Spain would break with England and fearing lest any rashness on their part might drive Spain to closer relations with England. The arrival of a letter from Jefferson in April, en route since November 1792, added another matter to the subjects under discussion. In this letter Jefferson charged that Baron de Carondelet, Spanish Governor at New Orleans, through an agent Olivier signing himself "Commissary for his Catholic Majesty with the Creeks," was inciting the Creeks to war on the settlers of the United States. He asked that Carondelet be removed as an evidence of Spanish good faith.⁶¹ Gardoqui refused to believe these reports and declared that the Spanish officials in America were ordered to restrain the Indians, and Spain must assume that orders were obeyed in the absence of positive proof to the contrary. Convinced that there was little hope of agreement with Gardoqui, or with the Duke de la

⁵⁹ Humphreys MSS., Humphreys to Secretary of State, March 6, 1792.

⁶⁰ Wm. Short MSS., Short to Secretary of State, Feb. 3, 1793.

⁶¹ Jefferson MSS., Jefferson to Carmichael and Short, Oct. 14, 1792, Nov. 3, 1792.

Alcudia, the principal minister, Carmichael and Short wrote Jefferson: "All this served to confirm a truth, with which we were fully impressed before, that a few ships of the line would have more weight in securing peaceably the territorial rights of the United States and those with respect to the Mississippi, than all the most unanswerable arguments and incontestible proofs that could be adduced in support thereof."⁶²

All this time the situation over the Indians, Creeks, Cherokees, Chickasaws and Choctaws, sandwiched in between the United States and Spanish American possessions, was becoming more serious. The United States blamed Spanish agents for incitement of the Indians and for supplying them with arms. Viar and Jaudenes, Spanish Commissioners, declared that such was not the case and that Governor Carondelet had exhorted the Cherokees to peace. They blamed the United States for supplying the Chickasaws with corn and a piece of artillery to make war on the Creeks.⁶³ They later sent to Jefferson a list of charges against the United States couched in language he considered most offensive, and containing, as Jefferson thought, a threat of war in case of action against the Creeks by the United States.⁶⁴

Jefferson notified the Spanish Commissioners that their style was offensive and the question of Indian troubles would be handled at their Court. For this purpose he asked them to furnish the proper passports for a courier to convey these dispatches.⁶⁵ The young man selected for this task was James Blake, who was instructed to proceed to Cadiz, thence to Madrid, and place his dispatches in the hands of the American Commissioners.⁶⁶ In his letter, giving detailed instructions to the Commissioners, Jefferson wrote:

⁶² Am. St. Papers, For. Rel., I, 261, Carmichael and Short to Jefferson, May 5, 1793.

⁶³ Ibid., p. 263, Jaudenes and Viar to Jefferson (translation), May 25, 1792.

⁶⁴ Ibid., p. 264, June 18, 1793.

⁶⁵ Ibid., p. 267, Jefferson to Viar and Jaudenes, July 11, 1793.

⁶⁶ Ibid., p. 267, Instructions to James Blake.

If we are disappointed in this appeal, if we are forced into the contrary order of things, our mind is made up. We shall meet it with firmness. The necessity of our position will supersede all appeal to calculation, now, as it has done heretofore. We confide in our own strength without boasting of it. We respect that of others without fearing it. If we cannot otherwise prevail on the Creeks to discontinue their depredations, we will attack them in force. If Spain chuses to consider our self defense against savage butchery as a cause for war, we must meet her also in war, with regret but without fear; and we shall be happier to the last moment to repair with her to the tribunal of Peace and Reason.⁸⁷

The arrival of Blake, September 24, with this belligerent note came at a most inopportune time since Spain had now joined England in war against France. This lack of consideration on Jefferson's part can be excused as, when Blake left America, Jefferson had not yet received any letters from Carmichael and Short, although they estimated that four of their letters should have reached him.⁸⁸ In conformity with Jefferson's instructions they pressed the complaint of misbehavior of Spanish officials among the Indians in order to allow Mr. Blake to return with dispatches in time for the opening of Congress in December. Gardoqui gave verbal assurance that, in case of war between the United States and the Indians, Spain would not interfere. Not trusting this assurance, unless given in writing, they were told that a written answer depended on the word of the king for whom a translation was being made. A further delay intervened when the Duke de la Alcudia discovered that the answer to this note was properly the duty of his department.⁸⁹

The Duke de la Alcudia interposed many delays before an answer was prepared. These delays were not of any great consequence, as all American vessels in Spanish ports were unable to sail due to the activities of Algerine cruisers. A truce between Algiers and Portugal of twelve months, pending treaty negotiations, had come so suddenly that many American vessels, sailing under the belief that Portuguese war

⁸⁷ Jefferson MSS., Jefferson to Carmichael and Short, June 30, 1793.

⁸⁸ Am. St. Papers, For. Rel., I, 278, Carmichael and Short to Jefferson, Sept. 29, 1793.

⁸⁹ Ibid., p. 328, Carmichael and Short to Jefferson, Oct. 22, 1793.

vessels were guarding the straits of Gibraltar, were captured and the crews enslaved.⁷⁰ These captures prevented the sailing of Colonel Humphreys, who was at Gibraltar, preparing to visit Algiers to seek a treaty, and he came to Madrid to consult with Carmichael and Short. All agreed that it was useless to attempt negotiations with Algiers, and Colonel Humphreys proceeded to his post in Lisbon bearing a letter from Carmichael and Short to be despatched to Jefferson.⁷¹

The question of the Spanish attitude towards the Indians was discussed by Carmichael alone and the Duke de la Alcudia.⁷² The Duke expressed the same sentiments as Gardoqui verbally, but postponed a written statement. A more friendly spirit was shown, however, by the Spanish Ministry when Carmichael, acting on a hint from Gardoqui, requested a Spanish convoy to escort American ships, fearful of capture by the Algerines. The Duke de la Alcudia informed him that his government had already resolved on that protection. The prospect of hastening the departure of Mr. Blake led Carmichael and Short to press the Indian question on the Duke more vigorously.⁷³ The best they could secure was a letter declaring the friendly feeling of Spain for the United States and Spanish intentions not to interfere if the Indians were the aggressors.⁷⁴

Success, even so meagre as this, encouraged the commissioners to press the matter of boundaries as of increased importance because of the Indian troubles. This they did both in a letter to the Duke de la Alcudia, and in a new memorial to Gardoqui. Rumors, current for some months, that England was on the verge of war with the United States were now dying down. Spanish discontent with England was visibly increasing, and the change in European affairs most

⁷⁰ Ibid., p. 296, Edw. Church (Consul of U. S. at Lisbon) to Secretary of State, Oct. 12, 1793.

⁷¹ Ibid., p. 413, D. Humphreys to Jefferson, Nov. 19, 1793, Nov. 23, 1793; *ibid.*, p. 420, Jan. 30, 1794.

⁷² Ibid., p. 328, Carmichael and Short to Jefferson, Oct. 22, 1793.

⁷³ Ibid., p. 413, Wm. Short to Secretary of State, Nov. 6, 1793.

⁷⁴ Ibid., p. 436, Duke de la Alcudia to Carmichael and Short, Nov. 26, 1793.

favorable to the negotiations seemed imminent. An evidence of this approaching change was a statement of Don Gardoqui, made verbally, that his Catholic Majesty desired to form an offensive and defensive alliance with the United States, or in any event a defensive alliance. This the commissioners were requested to communicate to the President, which they did, but with the statement that Don Gardoqui had a convenient way of forgetting his verbal communications.⁷⁵

The Duke de la Alcudia and Don Gardoqui returned no definite reply to the letters of Carmichael and Short urging a settlement of the boundary question. The Duke did however notify the commissioners that he had word from the Spanish provinces that the Indians were the aggressors against the United States, and that he had sent orders to the governors to give the Indians no aid.⁷⁶ In conformity with a letter from Jefferson of September, 1793, the commissioners had continued their policy of delay. They were instructed to follow the line of conduct laid down in their letter of June 6, and were informed that the President approved their actions.⁷⁷

The career of Carmichael was now drawing to a close. He and Short had differed seriously on only one point, and that the matter of the return of James Blake with dispatches to the United States. Short wished to send this courier early in 1794, but Carmichael was opposed to sending him until they had definite replies from the Duke de la Alcudia to notes dating back to December, 1793. Carmichael assumed responsibility for the detention of Blake, and promised to give his reasons in writing to the Secretary of State, Edmund Randolph.⁷⁸ In an interview with Alcudia, May 8, 1794, Carmichael was informed that the powers of the American Commissioners were not sufficient for the negotiations desired and that nothing could be done until they received new powers. He and Short were amazed at this information and

⁷⁵ Ibid., pp. 440-442, Carmichael and Short to Secretary of State, Jan. 7, 1794.

⁷⁶ Ibid., p. 445, Short to Secretary of State, Jan. 21, 1794.

⁷⁷ Jefferson MSS., Jefferson to Carmichael and Short, Jan. 21, 1794.

⁷⁸ Wm. Short MSS., Short to Secretary of State, April 1, 1794.

pressed for something more definite.⁷⁹ It was not until the next month that Alcudia answered this note asserting that the Spanish King would not treat of the boundaries except in connection with the navigation of the Mississippi and commerce. Carmichael and Short both viewed this as a pretext for further delay, and the former now agreed to the dispatch of Blake.⁸⁰ Mr. Blake was evidently quite willing to remain, asserting that his instructions left him free to use his own judgment, and, as Carmichael was expecting his own recall, Blake remained to accompany him.

The recall of Carmichael, dated June 5, 1794, came to him early in August, and at the same time Short received a letter naming him Minister resident. Carmichael was overjoyed at the long delayed opportunity to return to the United States but was delayed by business affairs and the etiquette of the Spanish Court. The presentation of a formal letter of recall on the part of a Chargé d'Affaires found no precedent at the Spanish Court.⁸¹ When they finally decided on the procedure to be adopted winter had set in and Carmichael was compelled to await its passing.⁸² Short was likewise embarrassed as to his reception by the Spanish Court, for which precedent must be consulted, and urged Carmichael to continue to act as joint commissioner to avoid any question as to Short's powers to negotiate, not mentioned in his new commission.⁸³ This Carmichael at first refused to do but later agreed to act, when Short in his turn rejected the offer.⁸⁴

Carmichael continued at Madrid until early in 1795. His baggage being sent to Cadiz, he refused to leave any letters or official papers with Short, asserting that Mr. Jay had taken all such papers with him on his departure. In February, 1794, his health, already in a precarious state, took a turn for the worse, and he died at 7.30 on the evening of February 9, 1795. As he was a Protestant, the body was interred in a

⁷⁹ Ibid., May 9, 1794.

⁸⁰ Ibid., June 3, 1794.

⁸¹ Ibid., Aug. 12, 1794.

⁸² Ibid., Oct. 24, 1794.

⁸³ Ibid., Sept. 4, 1794.

⁸⁴ Ibid., Oct. 24, 1794.

lot adjoining the Roman Catholic cemetery.⁸⁵ His widow, Antonia Reynon Carmichael, a Spanish woman, with her one daughter Alphonsa, returned to reside near Chestertown, Maryland.⁸⁶

The death of William Carmichael, just as he was on the point of departure for the United States, prevented the fulfilment of a wish expressed to Jefferson, in 1786, when he wrote of his hope to return to America and settle "beyond the Alleghany mountains where by all forgot I may pass the rest of my days inoffensively for others, doing all the good in my power and vegetating and decaying like the trees which surround me."⁸⁷ His widow, left without funds, was compelled to further mortgage the lands left her by her husband, and, in 1796, a petition was presented to Congress for extraordinary allowances due her husband.⁸⁸ This was allowed to the amount of \$8,258.76, but part of the claims were left for further investigation. The final payment by the Treasurer of the United States was made in 1798, and amounted to \$9,660.14, but the claim for an allowance for an outfit as *Chargé d'Affaires* was denied.⁸⁹ Further attempts to collect this sum were made by his daughter in 1839,⁹⁰ and by a grand nephew, R. B. Carmichael, in 1854, but with no success. An interesting romance developed in the association of Alphonsa Carmichael and James Blake, sent as a courier to Spain in September, 1793. She must have been partially responsible for his detention, and they were married after the death of her mother in 1800. These two, as joint administrators of the estates of William and Antonia Carmichael, paid off the debts accumulated by them while in Spain, many of which were owing to Spanish friends.⁹¹

⁸⁵ *Ibid.*, Feb. 13, 1795.

⁸⁶ Jefferson MSS., James Blake to Jefferson, Oct. 20, 1795.

⁸⁷ *Ibid.*, Carmichael to Jefferson, Oct. 3, 1786.

⁸⁸ *Annals of Congress*, 5th Congress, 1st sess., 1797-1799, p. 650.

⁸⁹ 33rd Cong., 2d sess., S. Rept. No. 538.

⁹⁰ 26th Cong., 1st sess., Reports of Committees, No. 634.

⁹¹ Records of Carmichael wills and their Administration in Court House, Chestertown, Maryland.

CHAPTER V

FLORIDA BLANCA AND CARMICHAEL

Among American historians in general the view seems to be generally accepted that the Count de Florida Blanca was personally hostile to the United States, and that the blame for all the misunderstandings between the United States and Spain prior to the treaty of 1795 lies with him. The most exhaustive treatment of the relations of Spain and America during this period is found in Phillips, who detracts from an unusually excellent piece of work by representing the Count de Florida Blanca as a bitter enemy of the United States and the Count de Galvez, Minister of the Indies, as the friend through whom we obtained most of the favors granted by Spain.¹

It is an undisputed fact that Florida Blanca was quite an able foreign minister. As such a minister he could readily see the danger of the infection of the spirit of independence disseminating itself among the Spanish Colonies from contact with the United States. What more natural than for him to contend for the closure of the Mississippi to American commerce and to restrict their boundaries to prevent such infection. As a patriotic Spaniard he would certainly have been justified in this. As for the navigation of the Mississippi, it was well known that Carlos III was determined to make the Gulf of Mexico a Spanish lake, and the minister who yielded on that point would stand in grave danger of replacement.² No Spaniard in Florida Blanca's responsible position would have dared do otherwise. The blame for the Spanish insistence on boundaries for West Florida as high as the Ohio river must rest on the shoulders of Don Joseph Galvez, Minister for the Indies.³ However, the same pen

¹ P. C. Phillips, "The West in the Diplomacy of the American Revolution," in *Univ. of Illinois Stud. in Social Sciences*, II, 111-247.

² Wharton, III, 724, Jay to Pres. of Congress, May 26, 1780.

³ *Ibid.*, VI, p. 826, Florida Blanca to Galvez (translation), Oct. 2, 1784.

which pictures Florida Blanca as the enemy paints Galvez as the friend of the United States.

The Spanish position on the question of the navigation of the Mississippi was stated to Mr. Jay by Florida Blanca in his first interview at Madrid,⁴ and was steadily adhered to until the death of Carlos III, and the removal of his minister paved the way for concession. The position of Florida Blanca on the other great question of the boundaries of the Floridas was stated in a letter to La Fayette, February 22, 1783, in which he declared the King's intention to abide by the limits established by the treaty with England of November 30, 1782, that is, the 31st degree of north latitude.⁵ After speaking on the same subject with the other ministers, La Fayette said: "M. de Galvez, in whose department the Indies are, appears much averse to the English limit. He has for the present, sent orders to the Spanish governors to abide by those limits, and an official copy of those orders has been promised to me. But M. de Galvez was of opinion that those limits would not do."⁶

Carmichael, writing a few months later as to his efforts to convince different members of the ministry of the line of conduct likely to promote harmony between the two countries, says:

I received constantly general assurances of the favorable disposition of the king. The letter transmitted by the Marquis de La Fayette, and those which I had the honor to write to you before and since that period will have informed you of the nature of them. I was induced to believe these assurances sincere, more from the opinion that it was the true interest of this court to follow that line of conduct than from any confidence in the real good will or good faith of government here. Its apparent jealousy of our rising importance and of our vicinity to its American possessions, joined to its past conduct, I think will justify these sentiments. A few days ago the Minister of the Indies, speaking of America in general, wished the whole continent at the bottom of the ocean.⁷

⁴ Carmichael MSS., Carmichael to Com. of Correspondence, Sept. 25, 1780.

⁵ Wharton, VI, 260, Florida Blanca to La Fayette, Feb. 22, 1783.

⁶ Ibid., IV, p. 289, La Fayette to Livingston, March 2, 1783.

⁷ Carmichael MSS., Carmichael to Livingston, July 19, 1783.

To these general indications of the views of M. de Galvez must be added the nature of the instructions given to Gardoqui in October, 1784, on his departure for the United States as Chargé d'Affaires. The instructions as to navigation of the Mississippi and as to regulation of boundaries were given by Galvez at Florida Blanca's request.⁸ The letter containing this request was in some way secured and copied by Carmichael, who thought it very important "because it contradicts assertions made to me by the Minister of the Indies, his nephew the Governor of Havana, and M. Gardoqui as if the proposal of the navigation of the Mississippi in favor of the United States was inadmissible on the part of Spain, which on no consideration would enter into negotiation on this subject."⁹

At this time, and for some time after, Carmichael was firmly convinced of the genuine desire of Florida Blanca for a treaty and of his willingness to make concessions on any point save the navigation of the Mississippi. In writing to Jefferson he frequently refers to this. In a letter of November 25, 1784, he says, "Count de Florida Blanca has shown a sincere disposition [to] form a treaty with the United States on liberal principles."¹⁰ In April, 1785, when news of Gardoqui's delay in Havana reached Spain, Carmichael speaks of the anger of Count de Florida Blanca, "who I am persuaded is sincerely disposed to terminate a treaty which may remove the causes of the present jealousies."¹¹

From our present day point of view, we are likely to forget the conditions existing in that decade when Florida Blanca, having acquired the Floridas, saw an opportunity of excluding all nations from the Gulf of Mexico, as his king desired. When it was reported to him by Carmichael that the new British Minister was likely to press for the right to navigate

⁸ Wharton, VI, 826, Count de Florida Blanca to Count de Galvez, Oct. 2, 1784.

⁹ Carmichael MSS., Carmichael to Livingston, Oct. 12, 1784.

¹⁰ Jefferson MSS., Carmichael to Jefferson, Nov. 25, 1784, Sept. 2, 1785, Feb. 3, 1786.

¹¹ Ibid., April 4, 1785.

the Mississippi in order to trade with American settlements he replied, "They never shall."¹² His attitude was the more natural when we realize that he had reliable information from the time his attention was directed to the matter that many in the United States opposed such navigation and even opposed the acquisition of territory along the Mississippi. M. Miralles, the first Spanish representative in the United States, asserted this.¹³ Luzerne, the French Minister to the United States during the last years of the Revolution, even went so far as to write the Count de Montmorin at Madrid that some members of Congress had approached him with a suggestion that a Spanish expedition up the Mississippi against British posts would enable Congress to yield the western lands to Spain with better grace.¹⁴ General Washington as late as 1785 advocated giving up the navigation of the Mississippi, and led a movement to divert the trade from the West to the Potomac and James rivers.¹⁵ Florida Blanca, informed of these facts, can no more be regarded as an enemy of the United States for his patriotic effort to aggrandize Spain than can those who, like General Washington, honestly believed it best for the United States to yield in this to Spain.

When Florida Blanca, after offering to the United States commercial privileges and finally authorizing Gardoqui to yield a free port on the Mississippi, found that no treaty was to be gained, he lost his customary urbanity.¹⁶ It fell to the lot of Carmichael to suffer from this. In May, 1789, Carmichael waited on the minister on the day of audience, and, after a wait of two and a half hours for all ambassadors and ministers to have their conferences, was at last admitted. Under the spur of Mr. Jay's demands for action on certain claims of American citizens he pressed the minister for some

¹² Carmichael MSS., Carmichael to Jay, June 29, 1788.

¹³ Wharton, III, 724, Jay to Pres. of Congress.

¹⁴ Ibid., IV, pp. 129, 137-138, Jay to Pres. of Congress, Nov. 6, 1780.

¹⁵ Sparks, *Life and Writings of Washington*, IX, 62, Washington to Benjamin Harrison, Governor of Virginia, Oct. 10, 1784.

¹⁶ Carmichael MSS., Carmichael to Jay, June 29, 1788.

action. Florida Blanca then replied rather warmly that the United States could hardly expect to be treated as a "most favored nation" unless they reciprocated. He cited the Spanish favors to the United States including, (1) our treatment in their ports as a most favored nation, (2) satisfaction of complaints of individuals, (3) aid in making a treaty with Morocco, (4) his late Majesty's firm intentions to aid us with other Barbary powers, (5) the sending of M. Gardoqui to the United States with liberal offers for a treaty postponed by delays on the part of the United States. To these he added that "he had received proofs of another nature of the ill will of the United States." When Carmichael asked for these proofs the only reply was, "Spain only desires to receive from the United States the same treatment that it has evinced towards them." From Don Otamendi, Carmichael learned that the probable reference to other "proofs" was to letters asserting a movement in Kentucky to attack the Spanish colonies on the Mississippi. Carmichael was the more ready to believe this since rumors of such plots were rife in Spain at the time.¹⁷

In all fairness it must be admitted that Florida Blanca had a real cause for grievance. To him the United States seemed ungrateful for Spanish aid in Morocco, ungrateful for treatment of its ships in Spanish continental ports as those of the "most favored" nation pending a treaty, ungrateful for the courtesies extended to its representatives by his Court. The only criticism of him justified by the facts, even from our modern patriotic viewpoint, is that he stubbornly refused to yield the navigation of the Mississippi. In this he had all of Spain, and many citizens of the United States, with him. His "sincere desire" to secure a treaty with the United States, is commented on by Carmichael late in 1789, as well as through the preceding years, and Barclay, after an interview with him wrote to Jefferson of his conviction that this

¹⁷ *Ibid.*, May 6, 1789.

Minister was "extremely well disposed to serve our country."¹⁸

That Florida Blanca, whose pet projects were the building of good roads and canals and the improvement of agriculture and finance, should have been compelled throughout his career to deal with foreign problems of so complicated a nature, is one of the ironies of history.¹⁹ His ability as a foreign minister can not be questioned. He brought Spain to a position as a world power with an extent of territory much greater than it had at the time he took office and greater than it has ever had since. Had he been retained as prime minister by Carlos IV, and trusted by him as by his father, the fate of Spain, which was later betrayed to Napoleon, could not have been as cruel as when left to the hands of Godoy, the paramour of the queen. Florida Blanca was indeed devoted to Spain, but in no sense hostile to the United States save where the interests of the two nations clashed.

Carmichael's career in Spain was near its close when Florida Blanca was replaced by the Count de Aranda as first minister.²⁰ That he had great personal influence with Florida Blanca is supported by abundant testimony. It is my purpose here to review this testimony and other relevant facts, and endeavor to point out the injustice of characterizing our first official representative received as such in Spain as a "highly unsuccessful minister of the United States."²¹ In addition, the opinions of contemporaries as to the ability of William Carmichael may aid us in making an estimate of the man.

The first person of any consequence to comment on Carmichael was the then foreign minister of England, the Earl of Suffolk. In writing to Hugh Elliot, British Minister to Prussia, of the departure of Carmichael and Arthur Lee from Paris early in 1777, ostensibly bound for Berlin, Suffolk wrote, "These two persons are not on good terms with each

¹⁸ Jefferson MSS., Barclay to Adams and Jefferson, Nov. 15, 1786.

¹⁹ Ibid., Carmichael to Jefferson, Sept. 2, 1785, April 14, 1788.

²⁰ Short MSS., Short to Secretary of State, Feb. 3, 1793.

²¹ S. F. Bemis, "British Secret Service and the French American Alliance," in *Am. Hist. Rev.*, XXIX, 492.

other, the first of them has the best abilities and is most in the confidence of his Principals, Messrs Dean and Franklin.”²² Elliot in reply minimized any possibility of the rebel agents, Lee and Sayre, (Carmichael having refused to go) obtaining any hearing in Prussia. He did however add: “I must at the same time inform Your Lordship that Carmichael when last here had several private conferences with the Prussian Ministers and that their reports are said to have met with attention at Potsdam.”²³

From a reading of the introductory chapter of this work the opinions of Arthur Lee and Silas Deane may well be judged and the reasons for them deduced. They may then be disregarded in arriving at a fair estimate where opinions of unbiased men exist. The third Commissioner at Paris, Dr. Benjamin Franklin, evinced the highest trust in Carmichael and preserved it until the last. They corresponded regularly, and Franklin’s favorite grandson, William Temple Franklin, who served as secretary to Dr. Franklin for some time, was a namesake of Carmichael. In writing to Carmichael after a long silence in 1783, Franklin assured him of his “constant and sincere esteem and affection.”²⁴

During his tenure of office in Spain many Americans passed through Madrid and all found Carmichael ready to serve them as far as he could.²⁵ If they happened to be authorized agents of the United States, as in the case of Lamb, Barclay, and Col. W. S. Smith, he introduced them at Court, and procured such passports and letters as were calculated to advance their missions. Lamb has apparently left no opinion of Carmichael, although he acknowledged his attention to the securing of letters from Florida Blanca to the Spanish officials in Algiers, urging them to aid him in

²² Stevens, Facsimiles, XV, No. 1452, Earl of Suffolk to Elliot, May 9, 1777.

²³ Ibid., No. 1453, Elliot to Earl of Suffolk, May 27, 1777.

²⁴ Dipl. Cor., II, 17, Franklin to Carmichael, Dec. 15, 1783.

²⁵ Jefferson MSS., Jefferson to Carmichael, July 26, 1789.

his mission.²⁶ Barclay and Smith likewise voiced their gratitude for similar aid.

Thomas Barclay, quite successful in his mission to Morocco, returned to Madrid, and after taking leave of the Spanish Court was detained by illness at Alicant. From Alicant he wrote to Adams and Jefferson relative to negotiations in Africa: "I know no American subject in Spain or France—Mr. Jefferson is out of the question—so adequate to the task of negotiating at Algiers, as is Mr. Carmichael. I am perfectly convinced that when it is resumed he ought if possible to undertake it, and I beg leave to submit this point to your consideration."²⁷ In reply Jefferson wrote: "I concur clearly with you in opinion that for many reasons Mr. Carmichael would be a proper person to negotiate our business with Algiers if it be negotiable with such means as we possess."²⁸

The advantage of personal contact is well illustrated in the case of Col. W. S. Smith. From London, as Secretary to John Adams, he had written to John Jay urging the sending of a man of ability to Spain, but disclaiming any reflection on Carmichael, whom he did not know. When Adams dispatched him to Portugal, in an endeavor to secure action on the treaty negotiated with Del Pinto, he went first to Madrid. There he was received with the most flattering attention, in striking contrast with his reception at Lisbon.²⁹ This he attributed to Carmichael, and it made the latter rise perceptibly in his estimation. To Jefferson he expressed himself thus: . . . "Mr. Carmichael—he has done everything in his power to make my time pass agreeable here. It is with pleasure I observe him perfectly well received in the first circles of the Court—and I think him fully accomplished for a political career."³⁰

John Paul Jones, who had known Carmichael in France

²⁶ Ibid., Lamb to Adams and Jefferson, May 20, 1786.

²⁷ Ibid., Barclay to Adams and Jefferson, Jan. 6, 1787.

²⁸ Ibid., Jefferson to Barclay, Feb. 18, 1787.

²⁹ Dipl. Cor., V, 465, W. S. Smith to John Jay, Sept. 12, 1787.

³⁰ Jefferson MSS., W. S. Smith to Jefferson, June 30, 1787.

in 1777-1778, wrote him in 1784 for a missing enclosure of an introduction to the Count de Montmorin. He closed his letter with these words: "I doubt not but that America will render you justice to your Patriotism, and place you in a character better suited to your merit which will enable you more fully to display your abilities and render essential service at the Court of Madrid to the Political and Commercial Interests of your Country."³¹

The judgment Jefferson formed of the merits of Carmichael is found in a letter to James Madison, January 30, 1787. It is best to take it in full, remembering Jefferson's extreme democracy. This part of the letter is in cipher but decoded by Jefferson in his copy. He wrote:

Mr. Carmichael is I think very little known in America. I never saw him and while I was in Congress formed rather a disadvantageous idea of him. His letters, received then, showed him vain and more attentive to ceremony and etiquette than we suppose men of sense should be. I have now a constant correspondence with him and find him a little hypochondriac and discontented. He professes very good understandings though not of the first order. I have had great opportunities of searching into his character and have availed myself of it. Many persons of different nations coming from Madrid to Paris, all speak of him as in high esteem and I think it certain that he has more of the Count de Florida Blanca's friendship than any diplomatic character at that court. As long as this minister is in office Carmichael can do more than any other person who could be sent there.³²

Another witness well qualified to judge, the Count de Montmorin, French Ambassador to Spain during the early years of Carmichael's long stay there, formed a high opinion of him. Montmorin was the last foreign minister of France under the old régime, while William Short was Chargé d'Affaires of the United States. Short, in a letter to Jefferson, in 1791, wrote: "Montmorin had frequently expressed his wish and his hope that I should be named here. I always expressed my doubts and particularly after receiving your letters. He added that if it was not me he hoped it would

³¹ J. P. Jones Papers, II, in Library of Congress, J. P. Jones to Carmichael, Feb. 13, 1778, and June 30, 1784.

³² Jefferson MSS., Jefferson to Madison, 30, 1787.

be Carmichael. I mention this in consequence of your last letter. Montmorin is much and sincerely attracted to him. He might certainly be rendered useful where he is or wherever he should have to treat with Montmorin."³³ Another Frenchman, La Fayette, speaks of him as "much and universally beloved and respected in that country."³⁴

The success of a representative of a nation, nascent, and with a government in the experimental stage, should not be judged by the same standard as when that nation has become powerful. Carmichael began his career when foreign affairs were handled by a Committee of Congress, called the "Committee of Correspondence," later, Committee of Foreign Affairs. His work as Secretary to Mr. Jay and as Acting Chargé d'Affaires met with the full approval of this Committee and its secretary, Mr. Lovell, was instructed to write this approval.³⁵

A step in advance was the selection of Robert Livingston as Secretary of Foreign Affairs. Livingston ventured on no action without a resolution of Congress. He read all of Carmichael's letters to Congress, and they were evidently of value, as they gave news and views of the changing situations of Europe. It is true that Jefferson formed a "disadvantageous idea" of Carmichael at this time due to the impression these letters left on him.³⁶ Livingston, however, consistently refused to give Carmichael any instructions for his guidance and informed him that his conduct was "very agreeable" to Congress.³⁷

When Livingston was succeeded by John Jay in 1786, the same system continued.³⁸ Jay read Carmichael's letters to Congress, although they now came but rarely. There were two good reasons for this. For one, the activity of the Algerine cruisers frightened American vessels from Cadiz,

³³ Ibid., Short to Jefferson, March 30, 1791.

³⁴ Wharton, VI, 268, La Fayette to Livingston, March 2, 1783.

³⁵ Ibid., p. 506, Lovell to Carmichael, June 15, 1781.

³⁶ Jefferson MSS., Jefferson to Madison, Jan. 30, 1787.

³⁷ Wharton, VI, 408, Livingston to Carmichael, May 7, 1783.

³⁸ Dipl. Cor., VI, 325, Jay to Carmichael, Nov. 24, 1786.

the only port of Spain convenient to Carmichael for the dispatch of letters. The second was that the only important matters to be reported were negotiations in Morocco and Algiers, and these Carmichael reported directly to Jefferson, in whose charge they were placed.³⁹ Jay complained frequently of the failure of letters from Carmichael, yet he had copies of these letters to Jefferson forwarded from Paris and was asked by Carmichael to consider them as dispatches to him due to the difficulty of sending them from Spain directly to the United States.⁴⁰ Jay also refused to send any instructions except requests to press particular complaints, as urged in resolutions of Congress.⁴¹

In the light of these facts it would seem that Carmichael may be considered as a very able *Chargé d'Affaires* of the United States down to the year 1790. He was left to work out his own methods, and this had to be done not only without help from those in charge of foreign affairs at home, but he also was constantly nagged to press some demand of citizens of the United States for damages from a country too hard up to pay its own citizens their due. When he did succeed in getting orders from the ministry for payment, as in the cases of citizens imprisoned in Havana, no money was found in the treasury for payment.⁴²

The formation of the new government, with Thomas Jefferson as Secretary of State, should have inspired Carmichael to greater efforts. Of this period of his career much must remain involved in obscurity. Two things are certain. The first is that his health was wretched, and the second that Jefferson received only one long letter from him in a period of two and one-half years.⁴³ Why then did Jefferson continue him as *Chargé d'Affaires* under the formal appointment to office made in April, 1790? ⁴⁴ It must have been that Jeffer-

³⁹ Jefferson MSS., Carmichael to Jefferson, April 5, 1785.

⁴⁰ Dipl. Cor., VI. 375, Jay to Carmichael, Aug. 17, 1787.

⁴¹ Ibid., VI, 325, Jay to Carmichael, Nov. 24, 1786.

⁴² Carmichael MSS., Carmichael to Jay, May 6, 1789.

⁴³ Jefferson MSS., Jefferson to Carmichael, Nov. 6, 1791.

⁴⁴ Archives of State Department, Book of Credences, April 20, 1790.

son still believed that he was the best man for that particular place.

The only American visiting Spain for several years after the inauguration of President Washington was David Humphreys. He had been Secretary to Washington, an intimate friend, and was sent as Minister to Portugal. When Humphreys informed Carmichael of the failure of his letters to reach Jefferson, he appeared much hurt, and showed Humphreys copies of letters and authenticated information gathered and sent to Jefferson. Humphreys was convinced that Carmichael had written often, and so wrote Jefferson, advancing the hypothesis that all had been intercepted. His opinion of Carmichael as *Chargé d'Affaires* is of interest coming as late as January, 1791. He wrote to Jefferson: "Mr. Carmichael being on terms of intimacy with the characters here, is certainly capable of effecting more at this court than any other American. He is heartily desirous of accomplishing the object in view at all events and fully determined to return to America in twelve or eighteen months at farthest."⁴⁵

In a letter sent by Colonel Humphreys to Lisbon to avoid interception, Carmichael expressed to Jefferson the depths of his humiliation that his time and fortune had been so ill spent.⁴⁶ Recalling now the promise Jefferson had made him on his departure for America to use his time "to profit of any good occasion which may occur to show the difference between your real situation and what it ought to be,"⁴⁷ Carmichael wrote: "Relying on the good opinion of me that you have been pleased to express on many occasions I entreat you to engage the President to permit me to return to my native country."⁴⁸ In the absence of President Washington, then in the South, Jefferson wrote to Carmichael that as changed circumstances indicated he would have an oppor-

⁴⁵ David Humphreys MSS., Humphreys to Secretary of State, Jan. 15, 1791, Dec. 18, 1790.

⁴⁶ Carmichael MSS., Carmichael to Jefferson, Jan. 24, 1791.

⁴⁷ Jefferson MSS., Jefferson to Carmichael, May 8, 1789.

⁴⁸ Carmichael MSS., Carmichael to Jefferson, Jan. 24, 1791.

tunity to make a name for himself he would not present his request to the President unless it was repeated in a later letter. Jefferson, however, informed President Washington of Carmichael's request and the nature of his reply.⁴⁹

The opportunity Jefferson had in mind was that of pressing the claim to navigation of the Mississippi, but the opportunity had passed. The resumption in 1792 of negotiations for a treaty with Spain, to be carried on at Madrid, with Carmichael and William Short as Commissioners, seemed to offer another chance. Jefferson, however, took care that Carmichael should have scant share in any glory to be gained at Madrid. Short went to Madrid, instructed by Jefferson to report on Carmichael, and with the promise that when the time was ripe for concluding negotiations Carmichael would be recalled and Short put in his place.⁵⁰ When Carmichael was relieved and replaced by Short, as had been prearranged, changed conditions in Europe and the Jay treaty with England made it evident that Spain was at last eager for the long delayed treaty with the United States. At this propitious moment Mr. Short, much to his chagrin, was relieved by Thomas Pinckney, who reaped the benefit of such fame as the successful negotiator of a treaty receives.⁵¹ The death of Carmichael, early in 1795, prevented any regret that such fame was denied to him.

In the foregoing pages the attempt has been made to give an account without bias of the mission of our first official representative at the Court of Spain. His continuance there for fourteen years would indicate a certain measure of the estimation in which his superiors held him. The unusual situation in which he was placed, being stationed at a court with which we had no treaty, without regular means of sending or receiving information, with a salary incommensurate

⁴⁹ Jefferson MSS., Jefferson to President of the United States, April 2, 1791.

⁵⁰ *Ibid.*, Jefferson to Short (private), March 18, 1792.

⁵¹ Am. St. Papers, For. Rel., I, 496, Message of Pres. Washington, Nov. 21, 1794.

with the expense of living decently in Spain, gradually exhausting his own financial resources to maintain respect for himself and his country, with scanty thanks for such services as he did render, and dealing with a court not too well pleased with its treatment by his government—all this must be taken into consideration in forming any judgment. A just consideration of these circumstances must lead to a conclusion that William Carmichael, if not an unqualified success as a diplomat, was far from being a “highly unsuccessful minister.”

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